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ABSTRACT

This report outlines the activities of the National Advisory Council on Indian Education (NACIE), and presents statistics and information on Indian schools and educational programs. Parts I and II describe NACIE and its functions and activities for fiscal year 1988--advising Congress on Indian education laws, reviewing applications for grants and fellowships, evaluating Indian education programs and projects, and participating in conferences. Parts III and IV outline the history of the Indian Education Act and its reauthorization in 1988. Part V compiles statistical information on American Indian and Alaska Native enrollments in elementary and secondary schools and higher education institutions, degrees conferred 1977-87, and 1988 funding levels and per pupil expenditures for Indian education programs. Part VI describes the Bureau of Indian Affairs (BIA) comprehensive report on BIA education and the White House Conference on Indian Education. Extensive appendices: (1) describe 1988 meetings of NACIE; (2) list 1988 recipients of Indian Education Act fellowships; (3) note two BIA schools selected in the Secondary School Recognition Program; (4) profile 33 programs benefitting Indian students; (5) list nominees for Outstanding Indian Youth of 1988; (6) describe 10 Title IV "showcase" projects involving bilingual education, drug and alcohol education, cultural education, individualized tutoring, and career education; (7) list Indian resource persons; and (8) present the full text of 1988 Indian education laws P.L. 100-297 and P.L. 100-427. (SV)

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N A C I E

15th Annual Report to the U.S. CONGRESS
Fiscal Year 1988

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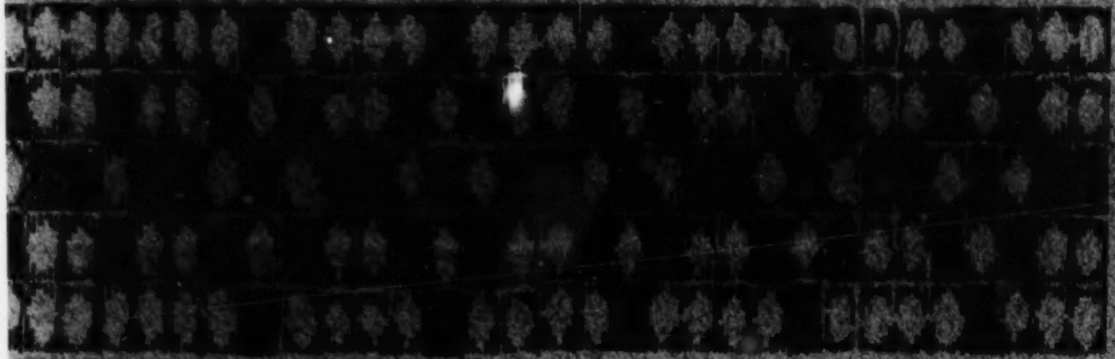
"BUILDING FROM YESTERDAY TO TOMORROW: THE CONTINUING FEDERAL ROLE IN INDIAN EDUCATION"

RC 017462



NATIONAL
ADVISORY
COUNCIL on
INDIAN
EDUCATION

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PRESIDENTIAL APPOINTEES IN FISCAL YEAR 1988

As provided in 5 U.S.C. 1233(b), these members continue to s

Chairperson:
Omar J. Lane (Creek)
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Denise Bambi Kraus (Tlingit), Legislative Pol
John W. Cheek (Creek), Education Program Spec
Mary Evelyn Mahsetky (Cherokee/Kickapoo), Sta

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Stockbridge-Munsee)
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Eastern Band of Cherokee
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Term expired 1/18/89

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ff Assistant

BUILDING FROM YESTERDAY TO TOMORROW:
THE CONTINUING FEDERAL ROLE IN INDIAN EDUCATION

NACIE

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

15th ANNUAL REPORT TO THE
U.S. CONGRESS

FISCAL YEAR 1988

National Advisory Council on Indian Education
330 "C" Street, S.W., Room 4072
Switzer Building
Washington, D.C. 20202-7556

ANNUAL REPORT COMMITTEE

Members: Robert K. Chiago, Chairperson
Dr. Helen M. Scheirbeck

**NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION**

330 C Street, S.W., Room 4072
Washington, D.C. 20202
(202) 732-1353

March 31, 1989

The Honorable James C. Wright, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The National Advisory Council on Indian Education hereby submits its 15th Annual Report for Fiscal Year 1988, "Building from Yesterday to Tomorrow: The Continuing Federal Role in Indian Education." This report is required by section 5342 of Public Law 100-297, which authorizes the Council and mandates its functions.

In fiscal year 1988, Council Members met on several occasions with Indian and Alaska Native educators and leaders to hear their concerns and opinions on various Indian education issues. These views are reflected in the recommendations made by the Council in this report. It is important to note that Indian and Alaska Native people are concerned with student achievement and lowering the dropout rate of their students, the continued federal role in Indian education, access as citizens to other federal education programs which make grants to states, technical assistance to better utilize the available resources at all levels, identification of the professional needs of Indian and Alaska Native communities for the future, and reestablishment of the Office of Indian Education (OIE) in the Department of Education as an independent division with an Assistant Secretary reporting directly to the Secretary to assure its independence to exercise authority in implementing federal programs that affect Indian and Alaska Native students.

The Council has over the years recommended to the Congress and the Administration that Indian preference be implemented in OIE. The Congress responded in Public Law 100-297 to require that the Secretary give a preference to Indians in all personnel actions within OIE and that OIE professional staff have experience with Indian education programs. The Council and Indian and Alaska Native people are encouraged by this action and look forward to the full implementation of that provision of the Act.

The Council appreciates the concern of both the Congress and the Administration over the years that an advisory group is needed in the area of Indian education. We represent a diverse population of Indian and Alaska Native people who live on reservations, in urban areas, and in rural nonreservation areas who are members of tribes and villages which have a special government-to-government relationship with the United States as well as state recognized and terminated tribes. This diverse population has diverse educational needs, although there are many like concerns. We hope that an advisory mechanism will be maintained for Indian and Alaska Native people to get their recommendations to the highest levels of government regarding improvement of federal education programs which affect and can benefit their students.

Sincerely,

Omar J. Lane

Omar J. Lane
Chairman

A Presidential Council Established by Congress

NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION

330 C Street, S.W., Room 4072
Washington, D.C. 20202
(202) 732-1353

March 31, 1989

The Honorable J. Danforth Quayle
President of the Senate
Washington, D.C. 20510

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Omar J Lane

Omar J. Lane
Chairman

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PART I

INTRODUCTION

The 15th Annual Report of the activities and recommendations of the National Advisory Council on Indian Education (NACIE) is hereby submitted to the Congress. The reporting period is fiscal year 1988, covering October 1, 1987, through September 30, 1988. This report is required by section 5342(b)(7) of Public Law 100-297.

The Council has been in existence since 1973 and held its first meeting in Arlington, Virginia, on May 19, 1973. The Indian Education Act (Title IV, Public Law 92-318), originally enacted in 1972, established the Council to consist of 15 Members who are Indians and Alaska Natives appointed by the President of the United States from lists of nominees furnished from time to time by Indian tribes and organizations and representing diverse geographic areas of the country. The Council has been reauthorized over the years with the last such action in the Indian Education Act of 1988 (Part C, Title V, Public Law 100-297). A Member of the Council is appointed for a term not to exceed three years but serves until the President selects a successor.

The Indian Education Act of 1988 has, subject to section 448(b) of the General Education Provisions Act, authorized the Council to continue to exist until October 1, 1993. That Act delineates the Council's statutory functions and provides for the authorization for funding of the Council.

The Council has seen a number of changes in its composition and its staff in fiscal year 1988. New Members were appointed, including Mr. Ronald P. Andrade, to succeed Mr. Fred L. Nicol, Jr.; Mr. Omar J. Lane, to succeed Mrs. Evalu Ware Russell; and Dr. Helen M. Scheirbeck, to succeed Dr. Thomas E. Sawyer. Two Members, Mrs. Gloria Ann Duus and Mr. Waldo L. "Buck" Martin, were reappointed. The Chairman of the Council during fiscal year 1988 was Mr. Martin. Staff changes were also made with the retirement of Lincoln C. White, who served until March 1988 as executive director, and with Mrs. Gloria Duus serving as acting executive director through the end of the fiscal year. Other staff during fiscal year 1988 included Debbie Vozniak, Special Assistant; Bambi Kraus, Education Program Specialist; and Joyce Stanley, Secretary.

Even with the these changes, the Council continued its activities mandated under the Act (as indicated in Part II of this report) and also engaged in a search for a new executive director. Title V of Public Law 100-297 brought changes in the law governing the administration of Indian education programs of the Bureau of Indian Affairs and the Office of Indian Education, and Council Members and staff were active in sharing information on the new provisions through participation in conferences and through the NACIE Newsletter. In addition, the Council initiated a national youth award competition and co-hosted a reception on Capitol Hill in conjunction with its participation in the June 1988 UNITY/Youth 2000 Conference. The Council continued discussions with Indian educators and tribal leaders at its meetings throughout fiscal year 1988.

The title of this annual report, "Building from Yesterday to Tomorrow: The Continuing Federal Role in Indian Education," was selected to reflect the intent of the Council's recommendations herein and the clear desire of Indian and Alaska Native people to deal with the hard issues impeding educational achievement of Indian students, whether children or adults. The Council and the Indian and Alaska Native people want a partnership with the Federal Government in working together to eliminate educational obstacles of yesterday and, thereby, eliminate obstacles of tomorrow to the economic self-sufficiency of native people.

AUTHORITY

Section 5342 of the Indian Education Act (Part C of Title V of P.L. 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988; 25 U.S.C. 2642). The Council is governed by the provisions of Part D of the General Education Provisions Act (P.L. 90-247, as amended; 20 U.S.C. 1233 et. seq.) and the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C Appendix I) which set forth standards for the formation and use of advisory committees.

FUNCTIONS OF COUNCIL

The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit. More specifically, the Council is directed to:

1. Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including the programs authorized by the Indian Education Act of 1988, and with respect to adequate funding thereof;

2. Review applications for assistance under the Indian Education Act of 1988 and make recommendations to the Secretary with respect to their approval;

3. Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and disseminate the results of such evaluations;

4. Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

5. Assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1 of the Indian Education Act of 1988;

6. Submit to the Secretary a list of nominees for the position of Director of Indian Education Programs (whenever a vacancy occurs); and

7. Submit to the Congress no later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

COUNCIL COMMITTEES IN FISCAL YEAR 1988

Executive Committee

Chairperson	W.L. "Buck" Martin
First Vice Chairperson	Jim Shore
Second Vice Chairperson	Andrea Barlow
First Member at Large	Robert Chiago
Second Member at Large	Omar J. Lane

Government: Legislative, Rules, Regulations, and Programs Committee

Chairperson	Omar J. Lane
Member	Clarence Skye
Member	Robert Youngdeer

Communications Committee

Chairperson	Robert Chiago
Member	Margaret Nelson
Member	James A. Hunt

Interagency and Tribal Relations Committee

Chairperson	Jim Shore
Member	Eddie Tullis
Member	Ronald Andrade

School Quality Control Committee

Chairperson	Andrea Barlow
Member	Helen Scheirbeck
Member	Marie Cox
Member	Louis Bruce

Search Committee

Executive Committee Members

Proposal Review Committee

All Council Members

PART II

COUNCIL ACTIVITIES IN FISCAL YEAR 1988

Development of Regulations and Administrative P
(Legislative Mandate #1)

On April 28, 1988, President Reagan signed into law the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Public Law 100-297). This omnibus education bill reauthorized almost ever program the Federal Government supports for elementary, secondary, and adult education, including the Indian Education Act. Prior to the actual passage of the new law, the Council was very active in promoting its recommendation to the Congress and the Administration.

The original language found in the Indian Education Act passed in 1972, which established the National Advisory Council on Indian Education, also was used, with only minor conforming changes, to reauthorize the Council in 1988. Language in the new law states that the Council shall continue to exist until October 1, 1993. The Secretary of Education is still required to consult with the Council prio to promulgation of regulations further defining the term "Indian" as provided in section 5351 o the Act, as follows:

> The term "Indian" means any individual who i (A) a member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organize group), including those Indian tribes, bands or groups terminated since 1940 and those recognized by the State in which they reside (B) a descendant, in the first or second degree, of an individual described in subparagraph (A), (C) considered by the Secretary of the Interior to be an Indian fo any purpose, (D) an Eskimo, Aleut, or other

> Alaska Native, or (E) determined to be an Indian under regulations promulgated by the Secretary after consultation with the National Advisory Council on Indian Education.

The amendments to the Indian Education Act in the reauthorization required the revision of several aspects of the Act and the development of new programs. At several meetings, the Council and Executive Committee discussed the Council's role in the newly authorized White House Conference on Indian Education. During the fiscal year, the Council maintained constant communications with John Sam, Director of the Office of Indian Education, Department of Education, to be apprised of activities, including regulation development.

The Council had several discussions on the necessary technical amendments to P.L. 100-297. These technical amendments were later passed by Congress and became Public Law 100-427, an Act to make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

Other activities of the Council included a recommendation to the Congress requesting that more funds be appropriated for the Tribally

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Controlled Community Colleges Act. This action was the result of deliberations by the NACIE Executive Committee at a meeting held in Bismarck, North Dakota, in October 1987.

In May 1988, the Bureau of Indian Affairs released a comprehensive report entitled "Report on BIA Education: Excellence in Indian Education Through the Effective School Process." The BIA distributed this final review draft around the country, including the Congress and the Administration. The full Council discussed the report at its meeting in Albuquerque, New Mexico, and issued a press release stating that the report had promoted misleading information on the standardized test scores of Indian students as compared to non-Indian students. Indian test scores included special education students while non-Indian student test scores did not.

On November 9, 1987, the Bureau of Indian Affairs placed Mr. Wilson Babby in the position of Deputy to the Assistant Secretary/Director - Indian Affairs (Indian Education Programs). The Council maintained communication with Mr. Babby in order to keep up to date on the BIA's activities, in particular, the BIA report on education.

Review Applications
(Legislative Mandate #2)

The Proposal Review Committee of the Council met on January 21-22, 1988, in Washington, DC, to review the field reader's comments and ratings of the applications for assistance authorized by Parts A, B, and C of the Indian Education Act, including applications for discretionary grants to Indian controlled schools; planning, pilot, and demonstration projects; educational personnel development projects; and educational services for Indian adults. General recommendations were formulated at the meeting and submitted to Secretary of Education William J. Bennett. The recommendations were as follows:

1. The application process should require that the applicants report the sources and amounts of all the funds proposed for implementation of the project.
2. The grant applications should request all of the information needed to fully substantiate the proposed project's mission and objectives.
3. Limits should be established for the funding of individual projects so that the total appropriation for the specific part of Title IV can be distributed to more applicants.
4. Indian organizations should be subjected to application requirements comparable to those demanded of applicants for the Indian fellowship awards. Indian organizations, for example, should provide documentation on their corporate status, should provide their indirect cost rate, should provide resumes of project staff, and should indicate the sources and amounts of all funds for the project.

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5. NACIE should be more involved in monitoring the panel review process.
6. All applications should include a list of federal grants received in the two years before the application.
7. There should be limitations on the amount of the grants directly related to the number of students to be served.
8. The Indian Education Programs Office should consider modifying the role of the resource and evaluation centers to include the evaluation of grantees. More emphasis should be placed on evaluation than on technical assistance.
9. There should be a reasonable balance between the administration and the operational costs in the proposed project budgets.
10. The applicants who claim to be eligible Indian entities should be required to submit proof. The application process should require documentation.
Additional observation: The NACIE Proposal Review Committee observed noticeable changes for the better in the overall Title IV discretionary grant review process. For example, the reintroduction of the honorarium and paid expenses seemed to have attracted a well-qualified field of outside readers.

The Proposal Review Committee also met on April 12-13, 1988, in Washington, DC, to fulfill the responsibility of reviewing the applications for assistance under the fellowship program funded by the Office of Indian Education Programs, Department of Education. After this meeting, the Council made the following recommendations to the Secretary of Education:

1. The closing date for the fellowship applications should be extended until at least March 15 to give applicants time to obtain all necessary documents (which often can be difficult to obtain in a timely fashion) and still give the Education Department enough time to process the final awards before the school term begins.
2. Indian Education Programs (IEP) should continue to follow its new funding system that ensures that all fields of study shall be funded, not just those applications that receive the highest scores by the field readers.
3. The Department of Education should provide information to all possible Indian applicants about the availability of the IEP Fellowship Program through new outreach efforts.
4. Those exceptional students who have scored in the top 10 percent of all Indian fellowship applications or have grade point averages of 3.5 or higher should have additional bonus points awarded to their scores, and a "merit scholarship" should be awarded that is not based solely on financial need.
5. The point system of the fellowship application should be revised. The majority of points should be placed on the academic record and leadership potential, and the grade point average (GPA) and standardized test scores should be evaluated separately. As an example, academic record should be increased to a maximum of 80 points and leadership potential and commitment should be reduced to a maximum of 10 points each. Within the academic record category, a maximum of 40 points should be awarded for how well a student scored on a standardized test and a maximum of 40 points should be awarded for his or her grade point average.

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6. Those graduate students who have already proven their educational capabilities should be encouraged to continue their education by funding them accordingly, and the graduate study priority fields that are determined by the Department of Education should be examined for appropriateness.
7. The fellowship program should be continued, as it is one of the most important programs ensuring the success of Indian education and Indian people.

Evaluate Programs and Projects (Legislative Mandate #3)

In an effort to fulfill the Council's mandate to oversee all federal education programs that benefit Indian students, NACIE staff met with the staff of 24 other federal programs with offices located in Washington, DC, to discuss their grant programs benefiting Indian students. The Council will continue to meet with these other programs in an effort to encourage and ensure maximum participation of American Indians and Alaska Natives.

At the full Council meeting in Albuquerque, New Mexico, in June 1988, the Council held a public hearing on Indian education to obtain information from the field on the status of programs in that region. The Executive Committee also held a public hearing on Indian education in Oneida, Wisconsin, in July 1988.

Acting Executive Director Gloria Duus requested additional appropriations for fiscal year 1989 to support planning and implementing more evaluation activities.

Provide Technical Assistance (Legislative Mandate #4)

The Council participated at several conferences and other meetings to facilitate sharing information with the various audiences in attendance. NACIE Council Members and Executive Directors participated in the following informational activities:

- NACIE and the National Indian Education Association co-hosted a Round-table Discussion on Indian Education in Bismarck, North Dakota, on October 25, 1988. Along with NACIE Chairman Buck Martin and NIEA President Ed Parisian, eight other national leaders attended to present their views on the current state of Indian education. Following the session, the Executive Committee of the Council conducted a business meeting and attended and participated in the 19th Annual Conference of the National Indian Education Association in Bismarck.

- During the first week of March 1988, the Office of Indian Education Programs (IEP) held a meeting of state Indian education coordinators and other staff of federal government programs that benefit Indian students. Then Executive Director Lincoln White attended the meeting on March 1, 1988, and presented an update of the Council's activities.

- Acting Executive Director Gloria Duus participated in the National Indian Education Association Round-table Discussion Session in Rapid City, South Dakota, on June 15, 1988.

(continued on next page)

- NACIE Chairman Buck Martin presented a Council update at the National Congress of American Indians conference in Oneida, Wisconsin, on June 15, 1988.

- Acting Executive Director Gloria Duus participated in a panel session on NACIE and the new Public Law 100-297 at the National Indian Impacted School Conference in Rapid City, South Dakota, on June 16-17, 1988.

- In June 1988, Acting Executive Director Gloria Duus presented information and coordinated activities with the IEP meeting of five regional Title V Resource and Evaluation Centers and IEP branch chiefs in Washington, DC.

- NACIE announced its Outstanding American Indian and Alaska Native Youth Award at the June 1988 UNITY/Youth 2000 Conference in Alexandria, Virginia. Acting Executive Director Gloria Duus addressed the general assembly. On June 28, 1988, NACIE co-hosted a reception on Capitol Hill that allowed the Indian youth conferees the opportunity to meet Indian leaders and administration officials working in Washington, DC.

- Council Member Ron Andrade attended and represented the Council at the National Indian Adult Education Association Annual Conference in San Diego, California, on August 22-26, 1988.

- NACIE Chairman Buck Martin presented a statement on the Council at the American Indian Science and Engineering Society National Dialogue on September 28-30, 1988, in New Orleans, Louisiana.

During the fiscal year, the NACIE staff published five issues of the NACIE Newsletter that were available to the public free of cost. These newsletters contained information on NACIE activities, Congressional activities, reports and studies, Federal Register notices, activities of the Department of Education, conference announcements, job vacancies, and other Indian education news.

Develop Criteria and Regulations for the Administration and Evaluations of Grants Made Under Subpart 1

(Legislative Mandate #5)

On October 5, 1987, the Office of Indian Education Programs (IEP) published in the Federal Register a notice of proposed rulemaking, "Formula Grants; Local Educational Agencies and Tribal Schools." The Council was not consulted prior to publication of this notice but submitted a comment to IEP.

In May 1988, the Council formally requested information from the Secretary of Education regarding the Department's plans to implement Public Law 100-297 and received a written response.

Submit a Report on the Council's Activities

(Legislative Mandate #6)

The Council submitted the manuscript version of its 14th Annual Report to the Department of Education on March 31, 1988. The final, printed version, "14th Annual Report: Striving for School Effectiveness in Indian Education," was distributed at a later date. The Secretary responded to NACIE's recommendations in a letter dated May 26, 1988.

Submit a List of Nominees for the Director of the Office of Indian Education Whenever a Vacancy in Such Position Occurs
(Legislative Mandate #7)

The search process for a permanent Director of of Indian Education Programs was completed in fiscal year 1987. The culmination of this process was the submission to the Secretary of Education in July 1987 of an official Search Committee Report, which included a rank-ordered list of nominees for the position.

During fiscal year 1988, the Secretary of Education placed John Sam in the position of Acting Director of Indian Education Programs, effective December 20, 1987. His permanent appointment was effective January 4, 1988.

PART III

HISTORY OF THE INDIAN EDUCATION ACT

While the first formal agreement that the United States Government would provide educational assistance to an Indian tribe is found in a 1794 treaty with subsequent treaties also variously providing for education services, the Congress first acknowledged the federal responsibility to Indian education in an appropriation act in 1802 in which $15,000 was provided to "promote civilization among the friendly Indian tribes and to secure the continuance of their friendship." This "civilization" usually was meant to include educating the Indians in the non-Indian lifestyle.

One can trace the early history of Indian education in appropriation acts, legislation regarding use of abandoned military posts for education of Indian youth, and acts establishing off-reservation industrial boarding schools beginning in the 1880's. In 1921, the Snyder Act, 25 U.S.C. 13, was enacted, which provided that the Bureau of Indian Affairs (BIA) shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States for general support and civilization including education. This Act led to the establishment of many of the education programs administered by BIA. In 1934, the Johnson-O'Malley Act, 25 U.S.C. 452-456, was passed to provide the Secretary of the Interior with the authority to enter into contracts with a state or territory for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians through the qualified agencies of such state or territory. Public school districts utilized Johnson-O'Malley (JOM) money for general operations.

Indian education was further subsidized in the 1950's when amendments to federally impacted area legislation brought Indians within the scope of such legislation. Public Law 81-815, the School Facilities Construction Act, was originally enacted in 1950 to provide payments to school districts on the basis of a sudden and substantial increase in school enrollment of children who either (1) resided on federal property with a parent employed on such property, (2) resided on federal property with a parent employed elsewhere or resided off federal property with a parent employed on federal property, or (3) were attending a public school because of activities of the United States Government. The Act initially contained no specific provisions for assisting public schools educating children living on Indian lands, although Indian reservations were included under the definition of "federal property." In 1953, a provision was added to include Indians and was designed specifically to provide facilities to districts which did not qualify under the Act's eligibility provisions because of the substantial increase in enrollment provision. Funds were granted for construction of minimum school facilities for Indian students when the district had neither bonding capacity nor other resources sufficient to construct the needed facilities. Public Law 81-874, the Federally Impacted Areas Act, was originally passed in 1950 to provide school districts affected by federal activities with funds for general operating expenses. This was regarded as "in lieu of taxes" legislation because it provided money to school districts which suffer a loss in tax revenue because of the presence of federal property. Because many public schools educating Indians were utilizing Johnson-O'Malley funds for general operations, Indians were excluded from this Act's provisions until 1958. In 1958, the distinction was made that, while JOM funds were to be used for "special services" for Indian students, "special services" did not necessarily mean educational services and a district receiving JOM funds could therefore also seek Public Law 874 money for educational purposes. The Congress permitted this dual funding because it recognized a distinction between providing general educational budget support in lieu of taxes and providing special programs, such as transportation and hot lunches, to meet special needs of Indian students.

In August 1967, the United States Senate passed Senate Resolution 165 authorizing the Senate Committee on Labor and Public Welfare to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children." Subsequent resolutions extended the inquiry through November 1, 1969. The Special Subcommittee on Indian Education was established to carry out this work. The subcommittee conducted field investigations, hearings, federal boarding school evaluations, and surveyed the research literature. Its final report, which was filed on November 3, 1969, and entitled "Indian Education: A National Tragedy--A National Challenge," indicated that the extensive record of the investigation constituted major indictment of the failure of the federal government in living up to its responsibility for the education of Indian children. That 1969 report stated:

> Dropout rates are twice the national average in both public and Federal schools, and some school districts have dropout rates approaching 100 percent;
>
> Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school;
>
> Only 1 percent of Indian children in elementary school have Indian teachers or principals;
>
> One-fourth of elementary and secondary school teachers--by their own admission--would prefer not to teach Indian children; and
>
> Indian children, more than any other minority group, believe themselves to be "below average" in intelligence.

The report went on to cite housing, income, unemployment, life expectancy, and infant mortality statistics for American Indians and concluded that these cold statistics illuminate a national tragedy and a national disgrace; that they demonstrate that the "first American" has become the "last American" in terms of an opportunity for employment, education, a decent income, and the chance for a full and rewarding life; that, while there are no quick and easy solutions in this tragic state of affairs, clearly, effective education lies at the heart of any lasting solution; and that education should no longer be one which assumes that cultural differences mean cultural inferiority. The findings and recommendations contained in the report were a call for excellence, a reversal of past failures, and a commitment to a national program and priority for the American Indian equal in importance to the Marshall plan following World War II. The subcommittee was a bipartisan effort and made 60 recommendations, of which there was unanimous agreement on 59.

The subcommittee recommended that there be set a national policy committing the nation to achieving educational excellence for American Indians, to maximum participation and control by Indians in establishing Indian education programs, and to assuring sufficient federal funds to carry these programs forward. It further recommended that the United States set, as a national goal, the achievement of the following specific objectives:

> Maximum Indian participation in the development of exemplary educational programs for (a) federal Indian schools; (b) public schools with Indian populations; and (c) model schools to meet both social and educational goals;
>
> Excellent summer school programs for all Indian children;
>
> Full-year preschool programs for all Indian children between the ages of 3 and 5;
>
> Elimination of adult illiteracy in Indian communities;
>
> Adult high school equivalency programs for all Indian adults;
>
> Parity of dropout rates and achievement levels of Indian high school students with national norms;
>
> Parity of college entrance and graduation of Indian students with the national average;
>
> Readily accessible community colleges;
>
> Early childhood services embracing the spectrum of need;
>
> Bilingual, bicultural special educational assistance;
>
> Effective prevention and treatment procedures for alcoholism and narcotic addiction;

Expanded work-study and cooperative education programs;

Workable student financial assistance programs at all educational levels; and

Vocational and technical training related accurately to employment opportunities.

The subcommittee recommended that there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians, both in the federal schools and the public schools. This recommendation contemplated that this comprehensive act would join in a single coordinated statute all Indian education programs, including those providing for set-aside provisions in general education grant-in-aid programs, public school programs (except Public Law 874), and BIA programs and that it would have, for example, titles devoted to adult education, exemplary and model programs, research, library resources, and handicapped, as well as a title or titles dealing with areas unique to the education of Indians, such as Indian culture and biculturism. The subcommittee noted that the applicable titles of the act should have advisory bodies and that this would help advance the subcommittee's concept that Indians must play a significant role in the education of their children.

In the 92nd Congress, a number of education issues were considered in authorization of programs administered by the Office of Education of the Department of Health, Education and Welfare. In addition, the Congress considered the recommendations of the Special Subcommittee on Indian Education. S. 2482, the Indian Education Act of 1971, first appeared as title IV in the Committee Print of S. 659, dated August 3, 1971. When S. 659 was passed by the Senate on August 6, 1971, title IV was stricken by unanimous consent and the language was introduced as S. 2482 on the same day. Hearings were held on S. 2482 on September 20, 1971, at which representatives of Indian tribes and organizations testified and suggested amendments to the bill. As an outgrowth of those hearings, S. 2724, the Comprehensive Indian Education Act of 1971, was drafted and introduced on October 20, 1971, by 21 co-sponsors. Hearings were held on S. 2724 on March 1, 6, and 7, 1972, at which government and public witnesses testified. After due consideration, the Congress enacted the Education Amendments of 1972, which was signed into law on June 23, 1972, as Public Law 92-318. Title IV of that law, the Indian Education Act, was a revision of S. 2482.

Title IV amended the following laws: Public Law 81-874 to provide a formula grant program for local educational agencies serving Indian children to carry out elementary and secondary school programs specially designed to meet the special educational needs of Indian students (Part A); the Elementary and Secondary Education Act of 1965 to provide a discretionary grant program for the improvement of educational opportunities for Indian children (Part B); and the Adult Education Act to provide a discretionary grant program for the improvement of educational opportunities for adult American Indians (Part C). In addition, Part D of the title established the Office of

Indian Education and the National Advisory Council on Indian Education. Part E amended the Higher Education Act of 1965 to provide a set-aside program to be used for grants to and contracts with institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of training teachers of children living on reservations serviced by elementary and secondary schools operated or supported by the Department of the Interior. Such programs were authorized for fiscal year 1973 and each of the two succeeding fiscal years.

An important aspect of the Indian Education Act is that it is the first federal Indian education statute to specifically define "Indian" to include members and their descendants in the first or second degree of federally recognized tribes (including Alaska Natives, Aleuts, and Eskimos) and state recognized and terminated tribes, bands, and groups. The Act was meant to serve essentially all Indians and Alaska Natives. The definition of "Indian" in the 1972 statute was as follows: "... any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo, Aleut, or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education."

Another important aspect of the Indian Education Act was its placement of the Office of Indian Education (OIE) within the Office of Education (within the Department of Health, Education and Welfare). The Act established OIE as a bureau under the direction of the Commissioner of Education and to be headed by a Deputy Commissioner of Indian Education to be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education. Of particular importance is the placement of OIE at the level of a bureau with its deputy reporting directly to the Commissioner, then the highest ranking federal government official in the field of education.

Title IV was first reauthorized and amended in the Education Amendments of 1974 (Public Law 93-380). Part B was amended to add authority for grants to and contracts with institutions of higher education, Indian organizations, and Indian tribes for preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian children and to provide in-service training for persons teaching in such programs. Part B was additionally amended to authorize a program for award of not to exceed 200 fellowships for study in graduate and professional programs in engineering, medicine, law, business, forestry, and related fields. Title IV was reauthorized through fiscal year 1978.

The 95th Congress and the 96th Congress expended considerable energy and effort to develop, debate, and eventually pass legislation establishing the Department of Education. While some versions of the legislation would have consolidated federal Indian education functions and programs, including BIA education programs, in a new Office of Indian Education in the Department of Education headed by an Assistant Secretary for Indian Education, the final version provided quite a different scheme. The Department of Education Organization Act, Public Law 96-88, was signed into law on October 17, 1979. The Act provided for six Assistant Secretaries and a General Counsel, not including any Assistant Secretary for Indian Education. In fact, the Act gave the Secretary general authority to effect internal reorganizations of the Department but provided a special procedure for reorganization of specified statutory entities, including the Office of Indian Education. The Act allowed the Secretary to alter, consolidate, or discontinue the Office of Indian Education or reallocate functions vested by statute in such office upon expiration of a period of 90 days after receipt by the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources of notice given by the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. Through this provision, the Office of Indian Education was placed under the Assistant Secretary for Elementary and Secondary Education with its director reporting to this Assistant Secretary rather than to the Secretary as the highest ranking federal education official. It was renamed Indian Education Programs (IEP). It should be noted that Indian Education Programs continued to administer the adult education and fellowship programs while under the Assistant Secretary for Elementary and Secondary Education.

The Indian Education Act was again reauthorized in the Education Amendments of 1978 (Public Law 95-561) through fiscal year 1983. Part A was amended to change its purpose from providing financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet the the "special educational needs of Indian students" to the "the special educational or culturally related academic needs, or both." Part A was also amended to provide a competitive grant program for local educational agencies to support demonstration projects and programs which are designed to plan for and improve educational opportunities for Indian children with a portion of such grant funds reserved to make grants for demonstration projects examining the special educational and culturally related needs that arise in school districts with high concentrations of Indian children. The amendments also included, among other things, designation of tribally controlled schools as local educational agencies for the purpose of the formula grant program, a definition of "Indian" study, requirements for the student eligibility form for the formula grant program, program monitoring requirements, and establishment of regional information centers.

In the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), the Indian Education Act was reauthorized, without substantive amendment, through fiscal year 1984. The next reauthorization occurred on October 19, 1984, in Public Law 98-511 and extended the Indian Education Act through fiscal year 1989. This law also, among other things, struck the 200 limit on the number of fellowships which may be awarded, added psychology as a course of study under the program, and provided that if a fellowship is vacated prior to the end of the period for which it was awarded, an additional fellowship may be made for the remainder of such period.

The latest reauthorization of the Indian Education Act is described in Part IV of this report.

PART IV

REAUTHORIZATION OF THE INDIAN EDUCATION ACT

The Indian Education Act was reauthorized in the omnibus education bill that became Public Law 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act of 1988. This fifth reauthorization of the Act since 1972 may be cited as the Indian Education Act of 1988. The law is restated as a free standing statute rather than the series of amendments to the several other acts that was the original Indian Education Act. The Act establishes, in the Department of Education, an Office of Indian Education (OIE), thereby legislatively changing the name back to OIE from the administratively imposed Indian Education Programs. The Act places such entity under the direction of a Director of the Office of Indian Education with certain enumerated duties and reporting directly to the Assistant Secretary of Education for Elementary and Secondary Education. Along with extending the program for another five years, several new sections provide for, among other things, a gifted and talented program, the requirement that the Secretary give a preference to Indians in all personnel actions in the Office of Indian Education (OIE), eligibility of schools operated by the Bureau of Indian Affairs for formula grants, and a policymaking role for the Director of the Office of Indian Education for all programs funded by the Department of Education. The Indian Education Act of 1988 is Part C of title V of the aforementioned public law, and the former Parts A, B, and C of the original law are now subparts 1, 2, and 3, respectively, of Part C. It should be noted that all of title V concerns Indian education, including BIA and contract schools, tribally controlled school grants, certain miscellaneous provisions, and an authorization for the President to call a White House Conference on Indian Education.

Council's Role in Reauthorization

The Council took an active role in the reauthorization of the Act and promoted its continuance to the Administration and the Congress. NACIE participation in the reauthorization process actually began in fiscal year 1987, when the Council called for public written testimony at the 18th Annual National Indian Education Conference that was held in Reno, Nevada, in November 1986. Reauthorization of the Act was discussed at many of the Executive Committee and full Council meetings held in fiscal year 1988. NACIE asked for public testimony at two of these meetings to learn of the needs in different parts of the country. At the federal level, the Council and staff met with officials at the Department of Education and the Bureau of Indian Affairs Office of Indian Education Programs during the reauthorization process to understand the implications of many of the proposed legislative initiatives, both those proposed by the Administration and those promoted by Indian educators in the field. The Council and staff maintained close communication with the Congressional staff and Members of Congress working on the proposed reauthorization legislation to provide information.

Legislative History of Reauthorization

January 1, 1987:	H.R. 5, School Improvement Act of 1987, introduced in House; S. 373, Elementary and Secondary Education Amendments, introduced in Senate.
May 15, 1987:	House Committee on Education & Labor filed House Report No. 100-95 on H.R. 5.
May 20-21, 1987:	H.R. 5 is considered and passed by the House.
Nov. 19, 1987:	Senate Committee on Labor & Human Resources filed Senate Report No. 100-222 on S. 373.
August 7, 1987:	S. 1645, Indian Education Amendments of 1987, introduced in Senate.
October 14, 1987:	Senate Select Committee on Indian Affairs filed Senate Report No. 100-233 on S. 1645.
December 1, 1987:	S. 1645 introduced as an amendment to H.R. 5; Senate agreed to amendment.
December 1, 1987:	Senate considered and passed H.R. 5 in lieu of S. 373.
April 19, 1988:	Committee of the Conference filed House Report No. 100-567 on H.R. 5.
April 19, 1988:	House rejected conference report; receded and concurred in Senate amendment with an amendment.
April 20, 1988:	Senate concurred in House amendment.
April 28, 1988:	President Reagan signed H.R. 5, which became Public Law 100-297.

Specific Council Recommendations for Reauthorization Legislation

Since the implementation of the original Indian Education Act, the Council has actively promoted various recommendations to the Congress and the Administration on ways to implement and improve the Act. These recommendations have been put forward in the NACIE Annual Reports to the Congress, direct communications with the Department of Education and the Bureau of Indian Affairs, and presentations by NACIE Chairmen and Executive Directors in many different settings, such as conferences and meetings throughout the country. As in previous years, the Council promoted two recommendations during fiscal year 1988: that Indian preference be upheld and effectively implemented at all levels in the Office of Indian Education and that the Office of Indian Education be re-established as an independent division within the structure of the Department of Education with the position of the Director of OIE upgraded to that of an Assistant Secretary who shall report directly to the Secretary of Education.

Amendments to Public Law 100-297

It should also be noted that it was necessary to amend Public Law 100-297, including the Indian Education Amendments of 1988 and several other programs under this omnibus education bill, to prevent potential funding problems that would have been caused by the effective date contained in

P.L. 100-297. H.R. 4638 was introduced to amend the effective date provision of P.L. 100-297 and became P.L. 100-351. This legislation changed the effective date from July 1, 1988, to October 1, 1988, for both allocation and program requirements for the Indian Education Act. The Indian Education Act of 1988 contained in P.L. 100-297 was also amended in P.L. 100-427, an Act to make clarifying, corrective, and conforming amendments to laws relating to Indian Education, which was signed into law on September 9, 1988.

Council's Role in the Implementation of the Indian Education Act of 1988

The National Advisory Council on Indian Education was reauthorized until October 1, 1993, under the Indian Education Act of 1988. The Act clearly specifies the functions of NACIE as including advising the Secretary of Education with respect to administration of any program in which Indian children or adults participate or from which they can benefit and adequate funding of such programs. The Act further specifies that this includes the development of regulations and of administrative practices and policies. Since the language points to any program in which Indians are participating or from which they can benefit, it is the position of the Council that this includes virtually all Department of Education programs, including the Office of Indian Education. Public Law 100-297, as amended, authorizes several new programs which require the development of regulations and of administrative practices and policies in which the Council should be involved. The Council looks forward to working in this effort with the Secretary and the Department of Education in an effort to improve education for all Indian students.

The Council has also been active in urging the President to call the White House Conference on Indian Education. In fiscal year 1988, the Council met with Congressional staff and others to discuss the implementation of the Conference. See Appendices G, H, and I for the complete text of title V of Public Law 100-297), including the provision regarding the White House Conference on Indian Education.

PART V

WHERE ARE WE NOW?

According to Bureau of Indian Affairs and Department of Education reports, approximately 82 percent of Indian and Alaska Native students are served by state-operated public schools, 7 percent are served by private and parochial schools, and 11 percent attend schools run by the Bureau of Indian Affairs or by tribes under contract or grant with BIA pursuant to P.L. 93-638. The last year for which there is information on the total number of students in these schools is 1986, when there were 355,796 native students in public and private schools and 38,475 in BIA-funded schools, for a total of 394,271. In subsequent years, BIA reported serving, in BIA-operated and contract schools, 39,911 students in 1987 and 39,592 in 1988. The Office of Indian Education at the Department of Education reported serving 320,500 in public schools in 1987 and 324,176 in 1988, but these figures do not reflect private school enrollment or the number of Indian and Alaska Native students in schools which have not applied for formula grants under the Indian Education Act. The general estimate the Council uses is 400,000 elementary and secondary students total. The following statistical information provides the additional information the Council has been able to compile from various reports, including information on American Indian/Alaska Native students in higher education.

American Indians and Alaska Natives in Elementary and Secondary Education

In the fall of 1988, there were approximately 44.34 million students attending the Nation's elementary and secondary schools. Some 5.1 million of these students attended private schools, compared to 39.24 million students who attended public schools. Of the total enrollment figures, 1 percent or approximately 400,000 students were of American Indian/Alaska Native descent. Proportionately speaking, American Indian/Alaska Native students comprise the smallest segment of all the minority groups attending U.S. schools followed in ascending order by Asians, Hispanics, Blacks, and Whites.

Table 1 shows the distribution of American Indian students attending public, private, and Bureau of Indian Affairs schools and a partial listing of students attending institutions of higher education from 1968 to 1988. Overall, there tends to be a general increase in the number of American Indians attending school in all categories. In 1968, there were 228,911 Indian students attending public, private, and BIA schools in grades K-12. In 1988, the number of Indians increased to 374,323. This shows a jump of 145,412 students or an increase of 63.5 percent.

During the 1968 to 1988 period, the number of students attending Bureau of Indian Affairs schools dropped from 51,448 to 39,592, a decrease of 11,856 (23%) students. This decrease is attributed to several factors including the movement of some students from reservation schools to public schools, the transfer of responsibility of federally-connected BIA schools in Alaska to the State with the last school being closed out in 1985, and the drop in the overall number of BIA-funded schools (including BIA-operated and tribally controlled schools) from 220 in 1982 to 182 in 1988.

TABLE 1

Distribution of Indian Students

Year	Indian Students in Public And Private Schools	Indian Students in BIA-Funded Schools	Total	Higher Ed Institutions
1988	334,731**	39,592	374,323	Not Available
1987	320,500	39,911	360,411	Not Available
1986	355,796	38,475	394,271	90,000
1984	364,313	40,693	405,006	84,000
1982	304,293*	40,773	345,066	88,000
1980	305,730	41,604	347,334	84,000
1978	329,430	41,324	370,754	78,000
1976	288,262	45,609	333,871	76,000
1974	288,208	49,524	337,732	Not Available
1972	232,765	53,646	286,411	Not Available
1970	197,245	52,098	249,343	Not Available
1968	177,463	51,448	228,911	Not Available

Sources: U.S. Department of Education, Office of Civil Rights Survey 1968-1986 (Public and Private School Data); BIA FY 1968-78 Statistics Concerning Indian Education (BIA-Funded Schools Data); BIA School Reports 1980-86 (BIA-Funded Schools Data).

* Office of Indian Education student count only (public school figures).

** Includes the National Catholic Educational Association Indian count of 10,555 plus the Office of Indian Education student count of 324,176.

Nationally, the public school population has fluctuated moderately but has stayed at approximately 40 million students annually, while the total private school population has consistently maintained a 5 million student enrollment, which represents approximately 10 percent of all students attending schools in the U.S. The private school segment of American education is made up primarily of institutions having a religious orientation (80%) with nearly half of these being Catholic schools. In 1988, the National Catholic Educational Association (NCEA) reportedly represented 38.7 percent of all private schools and 50 percent of all students attending private institutions.

Table 2 shows the total number of U.S. students as compared to students attending private schools. The enrollment figures for NCEA are shown since they represent 50 percent of all private school students and member schools have consistently monitored the number of American

Indian/Alaska Native students attending their schools. From 1982 to 1988, Indians made up approximately 0.4 percent of the total NCEA population (10,000 students). Figures for the remaining private school population were not available, and private school reports from the National Center for Education Statistics (NCES) did not identify an ethnicity grouping for Native Americans. The best estimate that can be made on the number of American Indian/Alaska Natives attending private schools could be inferred from data available from NCEA. Depending on regional demographics and population characteristics, the low figure would be a student count of 10,000 with a high estimate of 20,000 based on NCEA's 50-percent private school makeup. American Indians tend to be fairly consistent in their proportional makeup in every educational setting across private and public school sectors depending on grade level, so one can assume that they will, in all probability, maintain a 0.4 percent grasp of the remaining private school population.

The Council for American Private Education (CAPE), which is an umbrella agency for 15,000 of the 27,000 private schools in the United States, including NCEA, has indicated that such schools have an enrollment of approximately 3 million students. NCEA is comprised of almost 9,000 schools and 83 percent of CAPE's students. CAPE is currently considering keeping statistics on the number of Indians attending its member schools, which member schools have never done in the past.

TABLE 2

Public, Private, and NCEA* Populations

	Total Public School Population**	Private School Population	NCEA Population	NCEA Indian Students
1988	39,244,000	5,100,000	2,623,031	10,492***
1987	39,173,000	5,000,000	2,726,004	10,904***
1986	39,075,000	5,100,000	2,816,787	11,267***
1985	38,977,000	5,000,000	2,901,757	11,697***
1984	39,295,000	5,700,000	2,968,154	11,873***
1983	39,352,000	5,715,000	3,026,200	10,700
1982	39,652,000	5,600,000	3,006,694	12,027***
1981	40,099,000	5,500,000	3,106,378	9,700
1980	40,987,000	4,962,000	3,140,051	12,560***

* National Catholic Educational Association.

** Source: National Center for Education Statistics, telephone interview.

*** Estimates based on 0.4% of total NCEA school population.

Number of School Age American Indians

When comparing the number of American Indians counted during the 1970 Census with the 1980 Census, there is a 72-percent increase from 793,000 to 1,364,000. During the same period, there was a general increase of 39 percent in the number of Indians attending public and private schools at the elementary and secondary levels. The 1980 Census also showed that 44 percent of the Indian population, or 600,160 individuals, were under 20 years of age. In comparison, 32 percent of the Nation's total population were between the ages of 0 and 19 years.

As stated earlier in Table 1, there were 347,334 American Indian/Alaska Native students attending public, private, and BIA schools during the 1980 school year. Also during 1980, the Bureau of the Census counted 21,541 American Indian children attending some form of nursery or pre-kindergarten program, either public or private. This brings the total number of American Indian children participating in some type of educational program to 368,875. Subtracting this figure from the 600,160 Indians between the ages of 0 and 19, one is left with a total of 231,285 persons unaccounted for. This can be inferred to represent the number of American Indians either too young to attend nursery, BIA, or K-12 public/private institutions, who therefore may not be included in data base collection efforts for educational purposes, or American Indians who are not participating in any type of formal education program at all.

Table 3 shows data received from an interview by telephone with Bureau of the Census personnel on the number of Indian students attending all types of educational programs, including pre-kindergarten or nursery programs. Using strictly Bureau of the Census data to ascertain the number of school age children, one finds that population totals are consistent only within a particular agency. By deducting the pre-kindergarten through grade 12 total of 454,489 from the 600,160 (44 percent of the 1,364,000 Indians counted during the 1980 Census), one arrives at a total of 145,671 Indians not in school, which does not correlate with the 231,285 figure in the previous paragraph.

TABLE 3

American Indian/Alaska Natives in Public and Private Schools, 1980 Census

Category	Enrollment
Nursery	13,926
Church-Related	2,542
Other Private	5,073
Kindergarten--Public	46,980
Church-Related	1,408
Other Private	1,795
Public Elementary	245,022
Church-Related	12,019
Other Private Elem.	7,024
Public High School	110,408
Church-Related	3,775
Other High School	4,517
Total	454,489

Source: Bureau of the Census, U.S. Department of Commerce.

For the most part, the statistics one gets depends on the agency supplying the information. The Bureau of the Census uses a different sampling technique to arrive at totals than does the Department of Education. It should be noted that when one is analyzing information on American Indians and Alaska Natives, other factors which can affect totals, or skew results, include counting as a result of self-identification versus any required proof of being a member or descendant of a member of a tribe or Alaska Native village as well as whether one is counting Indians/Alaska Natives recognized because of their status as Indians (federally recognized Indians served by the Bureau of Indian Affairs and the Indian Health Service) or whether the count also includes nonfederally recognized, terminated, and urban Indians and Alaska Natives.

American Indians/Alaska Natives in Postsecondary Education

In 1988, there were approximately 13 million students in America enrolled in postsecondary institutions. Since 1976, American Indian/Alaska Native students have consistently maintained a 0.7 percent portion of the total population. No data were available for the 1988 school year; but if the 0.7 percent trend continues, there will again be 90,000 Indians in postsecondary institutions for the 1988 school year.

Table 4 shows that, from 1976 to 1986, Native Americans increased their postsecondary enrollment by 18 percent while the general U.S. population increased by only 13.8 percent. The increase in the total Indian population, as shown through Census data, can be considered a contributing factor in the increase in the number of Indians attending higher education institutions.

Successful completion of higher education programs by American Indian/Alaska Native students have consistently made up 0.4 percent of the total degree recipients at the bachelor's, master's, and doctoral levels. However, as educational attainment increases beyond the bachelor's level, the number of degree recipients decreases for Indians, as well as the general population.

Table 5 shows the actual number of students graduating with bachelor's, master's, and doctoral degrees for selected years from 1977 to 1985. For all students from 1977 to 1985 completing bachelor's level certification, there was an overall gain of 5.8% percent. For American Indian/Alaska Native students, the increase was 24.9 percent for the same time period. Indians in each of the years shown make up approximately 0.4 percent of the total student population. Table 6 shows doctoral degrees earned by American Indians from 1977 to 1987 as reported by the National Research Council, and this table compared to Table 5 again points out the discrepancies in statistics on American Indian and Alaska Native educational attainment.

TABLE 4

Total Student Enrollment in Higher Education Institutions*

	All Students	AI/AN Students	Percent of Population
1988	12,849,000	90,000**	0.7%**
1987	12,544,000	90,000**	0.7%**
1986	12,501,000	90,000	0.71%
1984	12,235,000	84,000	0.68%
1982	12,388,000	88,000	0.71%
1980	12,087,000	84,000	0.69%
1978	11,231,000	78,000	0.69%
1976	10,986,000	76,000	0.69%

* Source: U.S. Department of Education, National Center for Education Statistics, "Early National Estimates," 1978 and 1988 surveys.

** Estimates based on 0.7% of all students.

TABLE 5

Bachelor's Degrees Conferred

	All Students	AI/AN Students	% of Students
1987-88*	989,000	4,000	0.4%
1986-87*	987,000	4,000	0.4%
1984-85	968,311	4,146	0.43%
1980-81	934,800	3,593	0.38%
1978-79	916,347	3,404	0.37%
1976-77	915,131	3,319	0.36%
Total**	3,710,589	22,462	

Master's Degrees Conferred

	All Students	AI/AN Students	% of Students
1987-88*	291,000	1,200	0.4%
1986-87*	291,000	1,200	0.4%
1984-85	280,421	1,256	0.45%
1980-81	294,183	1,034	0.35%
1978-79	299,887	999	0.33%
1976-77	315,660	967	0.31%
Total**	1,190,151	6,656	

Doctoral Degrees Conferred

	All Students	AI/AN Students	% of Students
1987-88*	34,000	136	0.4%
1986-87*	34,000	136	0.4%
1984-85	32,307	119	0.37%
1980-81	32,839	130	0.39%
1978-79	32,664	104	0.32%
1976-77	33,111	95	0.29%
Total**	198,921	720	

Source: National Center for Education Statistics, U.S. Department of Education, "Degrees and Other Formal Awards Conferred, 1984-85" survey and "Earned Degrees Conferred," 1980-1981 survey.

* Estimates based on 0.4% trend.

** Total includes estimates for 1986-1988.

TABLE 6

Doctoral Degrees Earned by American Indians, 1977 to 1987

	Men	Women	Total
1987	63	53	116
1986	58	41	99
1985	39	56	95
1984	53	20	73
1983	50	30	80
1982	44	33	77
1981	56	29	85
1980	46	29	75
1979	56	25	81
1978	50	10	60
1977	43	22	65
Total	558	348	906

Source: National Research Council

Issues Affecting the Education of American Indian/Alaska Native Children

While there are many factors affecting the education of Indian and Alaska Native children and adults, this section is meant to discuss some of the factors which can be dealt with by the agencies of the United States Government charged with education programs for this special population.

While the Council has been able to collect the statistical information in the preceding pages, there are other information gaps. For example, there is outdated and inconsistent data on high school dropout rates among Indian and Alaska Native students. There are bits and pieces of the story on high school dropout rates among Indian and Alaska Native students with certain tribes maintaining those statistics for their communities and certain states also maintaining those records, but there appears to be no uniformity to this recordkeeping. Any national attempts at assessing the high school dropout rate (as in the High School and Beyond Study done by the National Center for Education Statistics (NCES)) are dated and are from small samples of Indian and Alaska Native students which increase the error of variance and impose severe restrictions on the conclusions drawn. There is also often a semantics problem in that one may find that the dropout rate is given [illegible] a particular year for a certain group or grade level of native students, rather than an overall rate depicting the percentage of all students who drop out of school during that year. In addition, school districts count a student as a dropout only when he has indicated that he has left one school and does not intend to go to another school, but there is no follow-up to determine whether he has actually entered the second school.

The following reflects available information on failure of Indians and Alaska Natives to complete high school:

> The 1980 Census reflected that 56 percent of the 691,000 Indians aged 25 and over had completed 4 years of high school or more, thus indicating that 44 percent of this population did not have a high school education. That Census showed that 67 percent of the total American population in this age group had completed 4 years of high school or more.
>
> The High School and Beyond Study begun in 1980 by NCES with high school sophomores showed, by the first follow-up survey in 1982, that among the sophomore class of 1980, American Indians and Alaska Natives had the highest dropout rate (29 percent) of any racial/ethnic group. However, this rate is for the sophomore class only and was an extrapolation of 307 Indian/Alaska Native students participating among the 13,423 subject respondents in the study. It should be noted that many educators indicate that Indian and Alaska Native students are often lost prior to 10th grade and that there is a good chance of retaining them in school if they can reach the sophomore year. In a 1986 follow-up to High School and Beyond," it was reported that 64.5 percent of the Indian and Alaska Native students had graduated by June 1982, that 8.4 percent of the Indian/Alaska Native dropouts had gone back to school and completed either the requirements for a high school diploma or General Equivalency Diploma (GED), and that another 7.8 percent were working toward a diploma or GED. The remaining 19.3 percent of dropouts were working toward neither a diploma nor GED. "High School and Beyond" did not include any students attending Bureau of Indian Affairs operated or funded (tribally operated) schools.
>
> Robert Chiago, Director of the Department of Education of the Salt River Pima-Maricopa Indian Community in Arizona, reported to the Council that his follow-up of students attending the K-6 BIA-operated school on the reservation showed over a 10-year period that 9 out of 10 students attending that school did not graduate from high school and that 7.5 out of 10 reservation students attending public schools did not graduate from high school.
>
> A study completed in 1983 by Development Associates under contract with the U.S. Department of Education on the impact of the Part A Entitlement Program funded under the Indian Education Act reported that a review of the literature on school dropout revealed that it is difficult to determine the actual rate at which dropout has occurred. Dropout rates contained in the various studies reviewed ranged from 14 percent to 60 percent. Follow-up

> studies of a random sample of 2,098 Indian and Alaska Native students who were sophomores in high school at visited Part A project sites in the 1970's showed that of the subjects reviewed, 78 percent graduated from high school, 3 percent had earned a GED, 3 percent were in high school at the time of the survey, and 16 percent had dropped out. Again, this does not reflect the students from this class who had dropped out in prior grades.

As can be seen, it is difficult for anyone to adequately provide an overall high school dropout rate for Indians and Alaska Natives. The National Advisory Council on Indian Education is concerned about the problem of defining dropout rate, the need to work with the NCES, and the need to collect data from state educational agencies with available statistics on Indian students. The Council must begin this and other projects which will provide the Council, the Administration, and the Congress with some of the types of information needed to assess the educational needs of Indian and Alaska Native people. However, it is clear that the Administration and Congress must assist in this effort by directing the National Center for Education Statistics to gather the types of information needed and providing NCES with the money to do the necessary surveys and by directing the Office of Indian Education and the Bureau of Indian Affairs to gather information from all of their grantees, contractors, and BIA-operated schools. The Council further believes that the types of information needed will not be collected without such White House and Congressional action.

Regarding higher education, there are 23 tribally controlled colleges. These schools are funded by appropriations pursuant to the Tribally Controlled Community Colleges Assistance Act administered by the Bureau of Indian Affairs, and some colleges receive a Snyder Act (the basic general authorizing law for Indian programs) supplement through the priority budgeting system of their respective tribes. The American Indian Higher Education Consortium represents these schools. The Tribally Controlled Community Assistance Act will be up for reauthorization during the second session of the 101st Congress. In addition, there are Indian and Alaska Native students in other colleges and universities, many of whom receive scholarships from their tribes from funds administered by the BIA; other scholarships and grants, including Pell grants, through the schools themselves; scholarships from the American Indian Scholarships, Inc., funded by the BIA; graduate fellowships in selected fields from the Office of Indian Education at the Department of Education; and scholarships in the health field from the Indian Health Scholarship Program of the Indian Health Service. While no needs assessment has been done regarding the unmet higher education funding needs of such students, the Council has been advised that of 617 fellowship applications received by the Office of Indian Education, only 53 new awards and 88 continuation awards (for a total of 141 awards) could be made with the fiscal year 1988 appropriated funds. Out of the 880 eligible applications for the Indian Health Service scholarships in fiscal year 1988, the program could serve only 88 new students because of limited funds, although there were 335 continuations for a total of 423 students served.

The Council is very concerned about adult and vocational/technical educational needs of Indian people. These areas are of particular concern due to the high school dropout problem. It has been brought to the Council's attention by the National Indian Adult Education Association (NIAEA) that adequate data are not available on the number of Indian adults who have received high school equivalency versus high school diplomas to show the progress made to date and how many Indian adults continue to need such services. In addition, NIAEA has indicated that the funding levels nowhere approach the actual need but that a needs assessment is needed. Another concern of NIAEA and this Council is that states are not providing adult education services and funds from state administered federal funds from the Adult Education Act. There is a similar concern regarding federal vocational/technical funds (pursuant to the Carl D. Perkins Vocational Education Act) administered by states. While there are funds set aside for Indian tribes under the Perkins Act and there are two tribally controlled Indian technical institutions as well as a technical institution operated by the Bureau of Indian Affairs, these can serve only a small portion of the students from federally recognized Indian tribes and Alaska Native villages and cannot reach the entire American Indian/Alaska Native population needing vocational/technical services. Many Indian vocational students also need basic literacy programs. The states still have a responsibility to provide such services to their Indian and Alaska Native citizens.

The administration of Indian education programs has been found by the Council to be less than consistent over the last 10 years. This can be seen simply in the lack of stability in leadership in the Office of Indian Education in the Department of Education and in the Office of Indian Education Programs at the Bureau of Indian Affairs. Table 7 provides a list of the directors of these offices as determined from the 1983 Development Associates study and telephone conversations with personnel in these offices.

Table 7 shows that for these two posts over the last 10 years, there have been more years of acting directors than permanent directors. This lack of permanent leadership with sufficient accountability has affected the staffing of the offices, including training, and one finds a huge decline in Indian staff in the Office of Indian Education at the Department of Education. In addition, there have been reports of positions at the Bureau of Indian Affairs, including education positions, not being announced or filled by the personnel office.

TABLE 7

Directors/Acting Directors for Past 10 Years
Office of Indian Education and Bureau of Indian Affairs Education

Office of Indian Education, Department of Education

Dr. Neal Shedd	Acting Director	Dec. 1988 - Present
Mr. Brian Stacy	Acting Director	Aug. 1988 - Dec. 1988
Mr. John Sam	Director	Nov. 1987 - Aug. 1988
Mr. Hakim Khan	Acting Director	Jan. 1986 - Nov. 1987
Dr. Frank Ryan	Director	Jan. 1985 - Jan. 1986
Mr. Hakim Khan	Acting Director	1982 - 1984
Dr. Frank Ryan	Director	1981 - 1982
Dr. Gerald Gipp	Dep. Commissioner for Indian Ed. (HEW)	1977 - 1981

Bureau of Indian Affairs Education

Mr. Wilson Babby	Acting Director**	Nov. 1987 - Present
Several Acting Directors		Jan. 1987 - Nov. 1987
Dr. Henrietta Whiteman	Acting Director**	Jun. 1985 - Dec. 1986
Dr. Ken Ross	Acting Director	1983 - 1985
Mr. Earl Barlow	Director (Permanent)	1978 - 1983

** IPA - Intergovernmental Personnel Action

Funding of Indian education programs is always an important issue. Table 8 shows the appropriations for Bureau of Indian Affairs Education for fiscal year 1988 and the Office of Indian Education (Department of Education) for fiscal years 1986 through 1988.

TABLE 8

BUREAU OF INDIAN AFFAIRS EDUCATION	Enacted FY 1988
School Operations:	
ISEP (Formula & Adjustments)	$163,120,000
Education Standards	$ 300,000
Institutionalized Handicapped	$ 1,428,000
School Boards (Expenses & Training)	$ 1,235,000
Student Transportation	$ 11,962,000
Solo Parent	$ 108,000
Technical Support (Agency & MIS)	$ 8,890,000
Substance/Alcohol Abuse Counselors	$ 2,400,000
Johnson O'Malley	$ 20,351,000
Continuing Education:	
Postsecondary Schools	$ 13,862,000
Special Higher Education Scholarships	$ 1,910,000
Tribally Controlled Community Colleges (Operations & Endowment)	$ 12,868,000
Tribe/Agency Operations:	
Scholarships	$ 28,770,000
Tribal Colleges Snyder Act Supplement	$ 918,000
Adult Education	$ 3,141,000
TOTAL:	$271,263,000

(Table 8 continued on next page.)

TABLE 8 CONTINUED

OFFICE OF INDIAN EDUCATION U.S. Department of Education	Enacted FY'88	Enacted FY'87	Enacted FY'86*
Part A (Now Subpart 1):			
Local Educational Agencies	$ 45,670,000	43,700,000	43,675,000
Indian Controlled Schools	$ 3,500,000	3,500,000	4,195,000
Subtotal:	$ 49,170,000	47,200,000	47,870,000
Part B (Now Subpart 2):			
Educational Services	$ 3,710,000	3,710,000	3,263,000
Planning, Pilot, Demo.	$ 1,935,000	1,935,000	2,330,000
Fellowships	$ 1,600,000	1,461,000	1,398,000
Education Personnel Dev.	$ 2,262,000	2,262,000	2,165,000
Resource & Evaluation Ctrs.	$ 2,200,000	2,200,000	2,145,000
Subtotal:	$ 11,707,000	11,568,000	11,301,000
Part C (Now Subpart 3):			
Educational Services	$ 3,000,000	3,000,000	1,119,000
Planning, Pilot, Demo.	$ 0,000	0,000	1,678,000
Subtotal:	$ 3,000,000	3,000,000	2,797,000
Part D (Now Subpart 4):			
Office of Indian Education	$ 2,163,000	2,015,000	2,007,000
NACIE	$ 286,000	253,000	212,000
Subtotal:	$ 2,449,000	2,268,000	2,219,000
TOTAL:	$ 66,326,000	64,036,000	64,187,000

* Indicates amount after 4.3% adjustment for Gramm-Rudman-Hollings Deficit Reduction Act.

The fiscal year 1988 appropriation for the formula grant program administered by the Office of Indian Education reached some 324,176 Indian and Alaska Native students. Figure 1 shows the number of students served in each state and indicates that only eight states and the District of Columbia did not receive formula grant funds. Figures 2, 3, 4, and 5 depict graphically the funding levels of the programs and administration under the Indian Education Act since the first

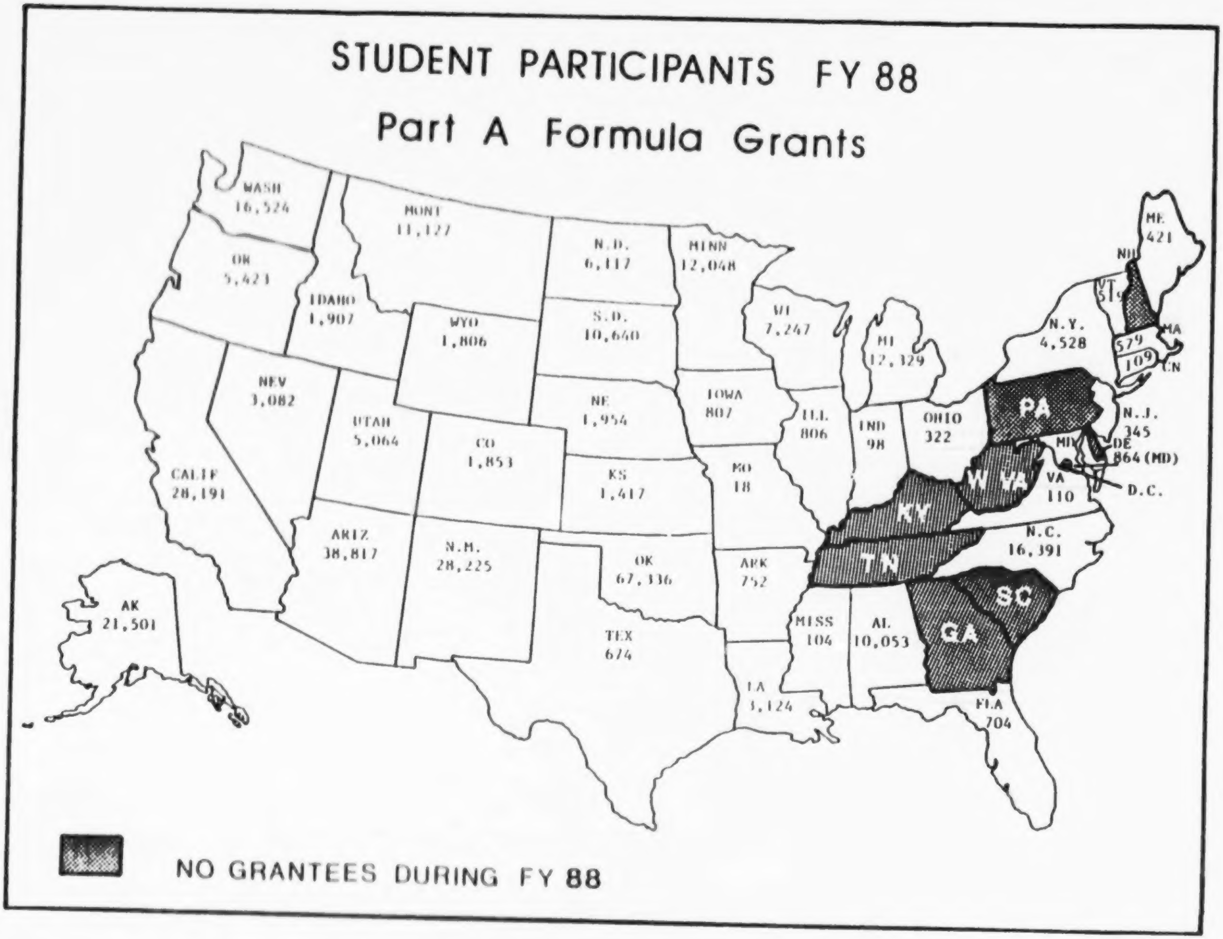

STUDENT PARTICIPANTS FY 88
Part A Formula Grants
WASH 16,524
OR 5,423
IDAHO 1,907
MONT 11,127
WYO 1,806
N.D. 6,117
S.D. 10,640
MINN 12,048
WI 7,247
MI 12,329
N.Y. 4,528
ME 421
NH
VT 519
MA 579
109 CN
PA
N.J. 345
MD DE 864 (MD)
D.C.
VA 110
W VA
OHIO 322
IND 98
ILL 806
IOWA 807
NE 1,954
NEV 3,082
UTAH 5,064
CO 1,853
CALIF 28,191
KS 1,417
MO 18
KY
TN
N.C. 16,391
SC
GA
ARIZ 38,817
N.M. 28,225
OK 67,336
ARK 752
MISS 104
AL 10,053
TEX 674
LA 3,124
FLA 704
AK 21,501
NO GRANTEES DURING FY 88

FIGURE 1

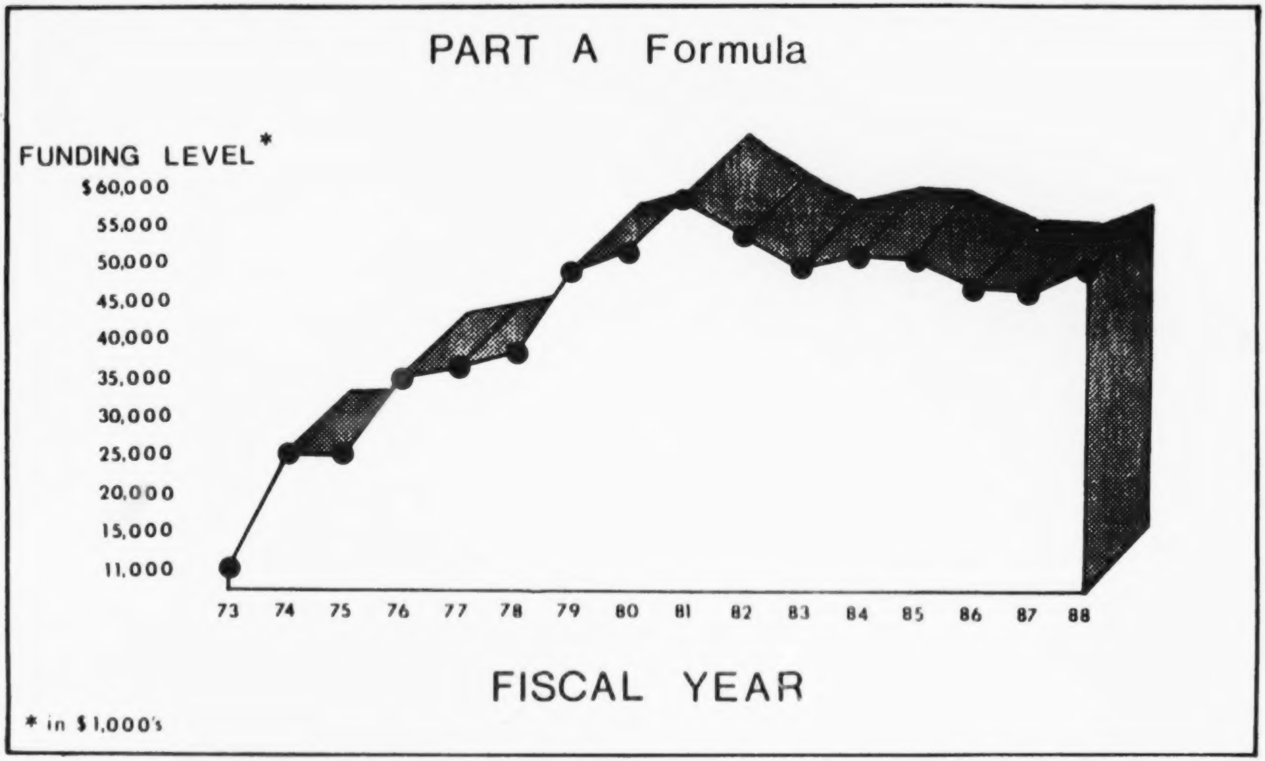

PART A Formula
FUNDING LEVEL*
$60,000
55,000
50,000
45,000
40,000
35,000
30,000
25,000
20,000
15,000
11,000
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
FISCAL YEAR
* in $1,000's

FIGURE 2

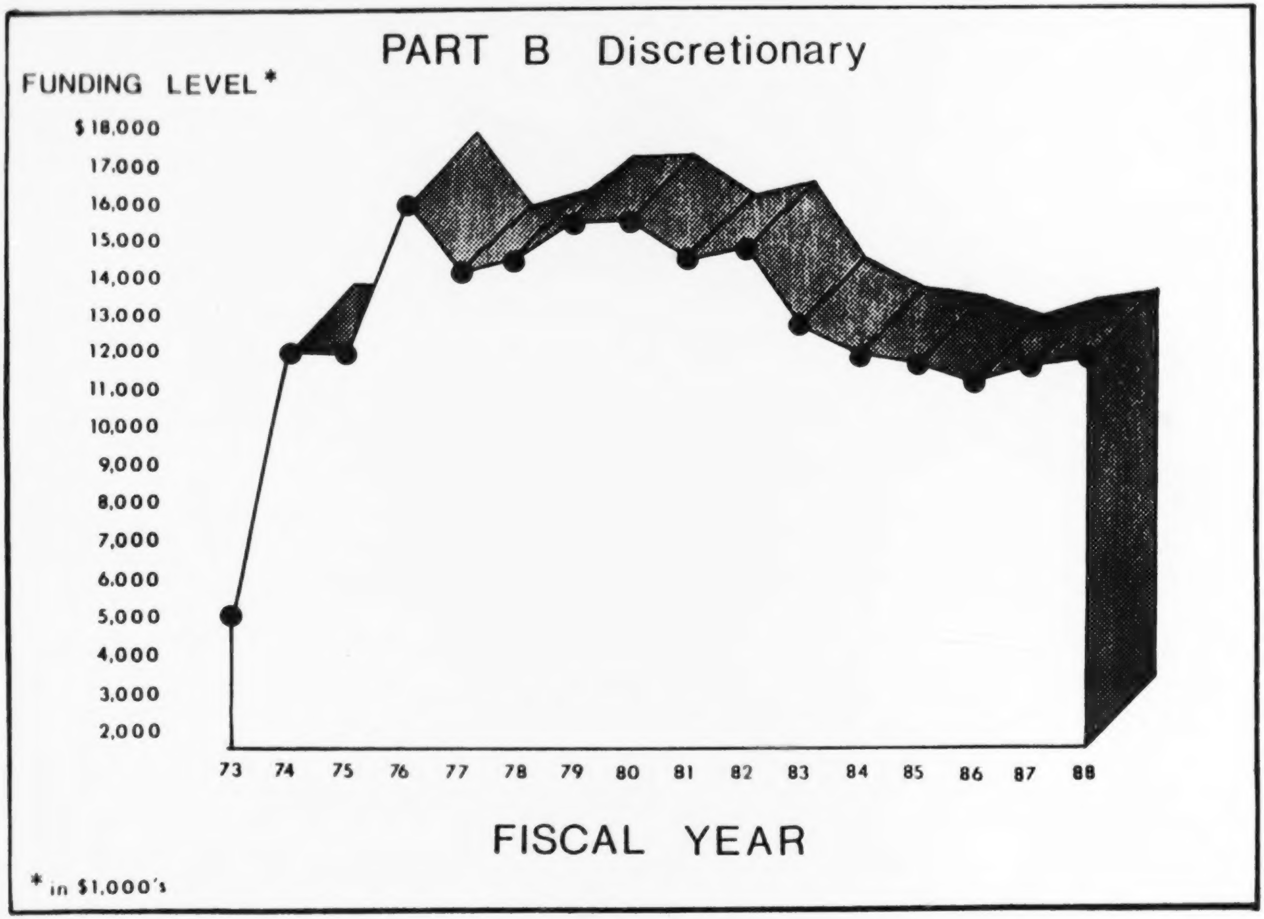

PART B Discretionary
FUNDING LEVEL*
$18,000
17,000
16,000
15,000
14,000
13,000
12,000
11,000
10,000
9,000
8,000
7,000
6,000
5,000
4,000
3,000
2,000
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
FISCAL YEAR
* in $1,000's

FIGURE 3

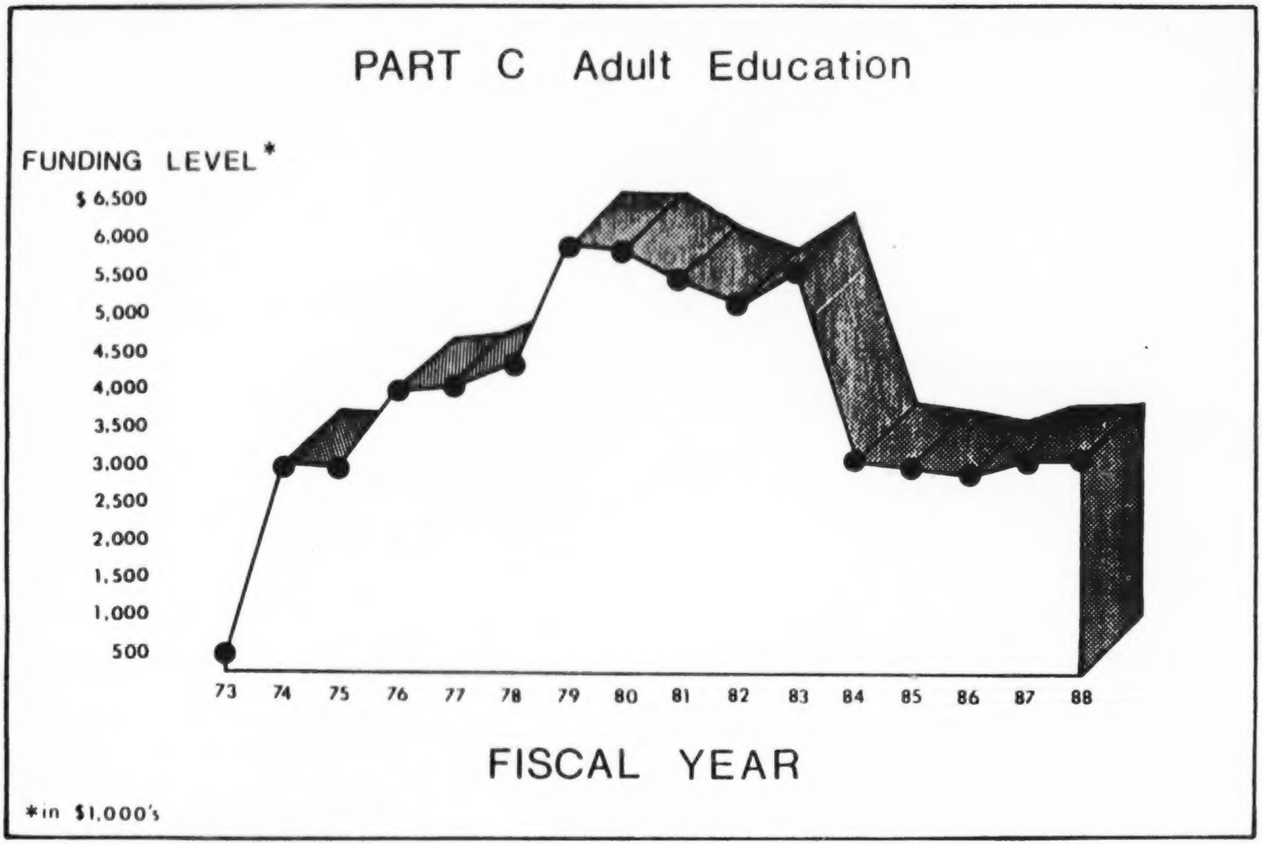

PART C Adult Education
FUNDING LEVEL*
$ 6,500
6,000
5,500
5,000
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
FISCAL YEAR
*in $1,000's

FIGURE 4

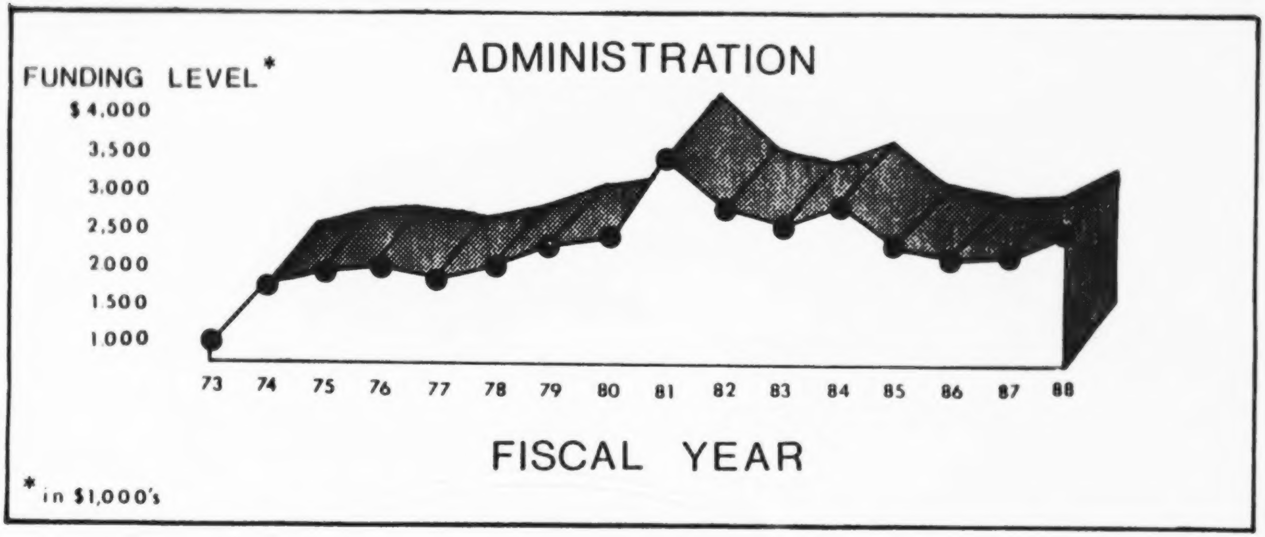

ADMINISTRATION
FUNDING LEVEL*
$4,000
3,500
3,000
2,500
2000
1,500
1,000
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
FISCAL YEAR
* in $1,000's

FIGURE 5

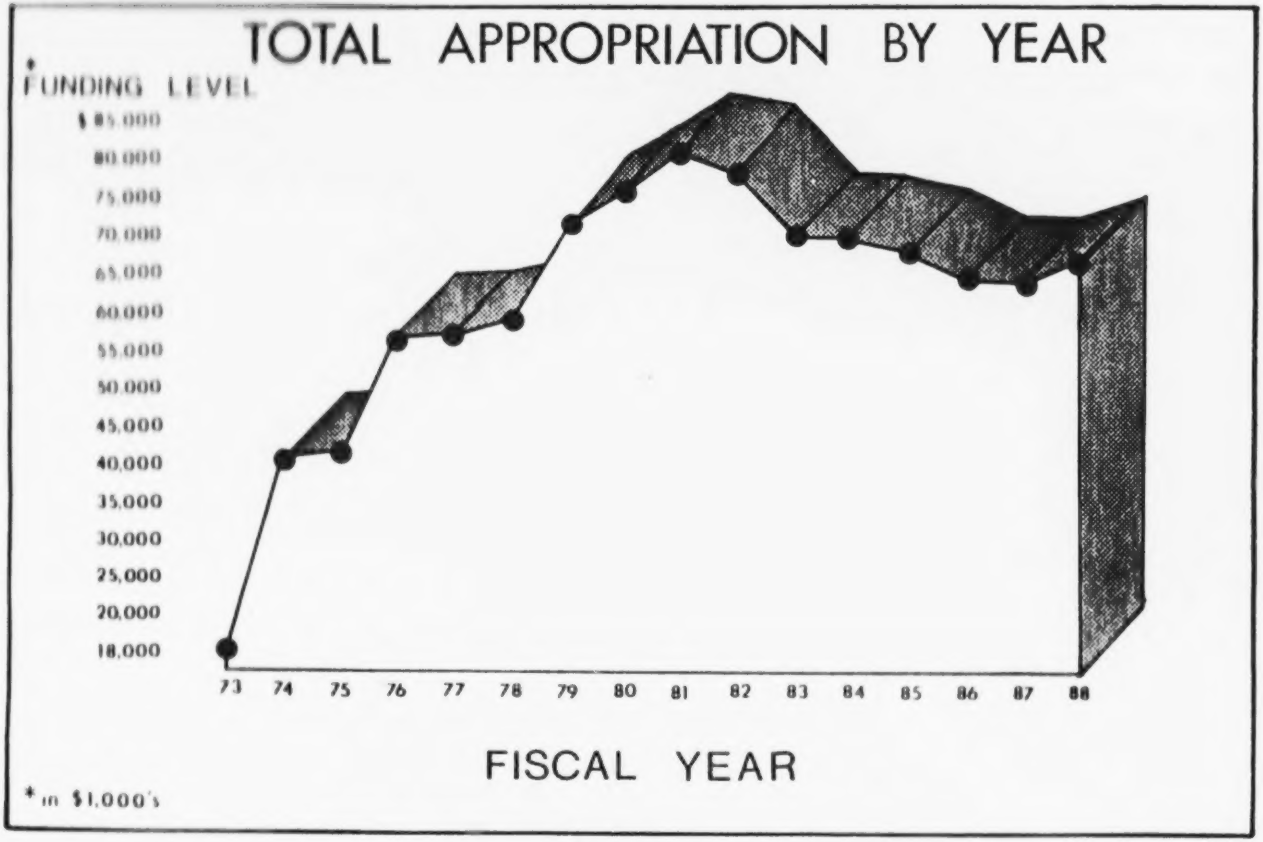

TOTAL APPROPRIATION BY YEAR
*FUNDING LEVEL
$85,000
80,000
75,000
70,000
65,000
60,000
55,000
50,000
45,000
40,000
35,000
30,000
25,000
20,000
18,000
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
FISCAL YEAR
*in $1,000's

FIGURE 6

appropriation in 1973, while figure 6 so graphically represents the total appropriation for the Indian Education Act in those years. It can be seen that while this appropriation each year is relatively small compared to many education programs serving Indian and Alaska Native students and is very small compared to other general federal education grant-in-aid programs, it reaches the most Indian and Alaska Native people, including children and adults, of any single education program. Appendix D lists the number of individuals served by each program under the Indian Education Act for fiscal year 1988 and show that a grand total of 350,106 individuals were served.

Table 9 charts some of the federal education programs and compares their per pupil expenditures to those of the formula grant program of the Office of Indian Education under the Indian Education Act. Figure 7 more graphically illustrates the differences in per pupil expenditures under these various programs.

TABLE 9

FY 1988 Federal Programs Which Serve or Count American Indian/Alaska Native Students
Funding Levels and Per Pupil Expenditures By Program

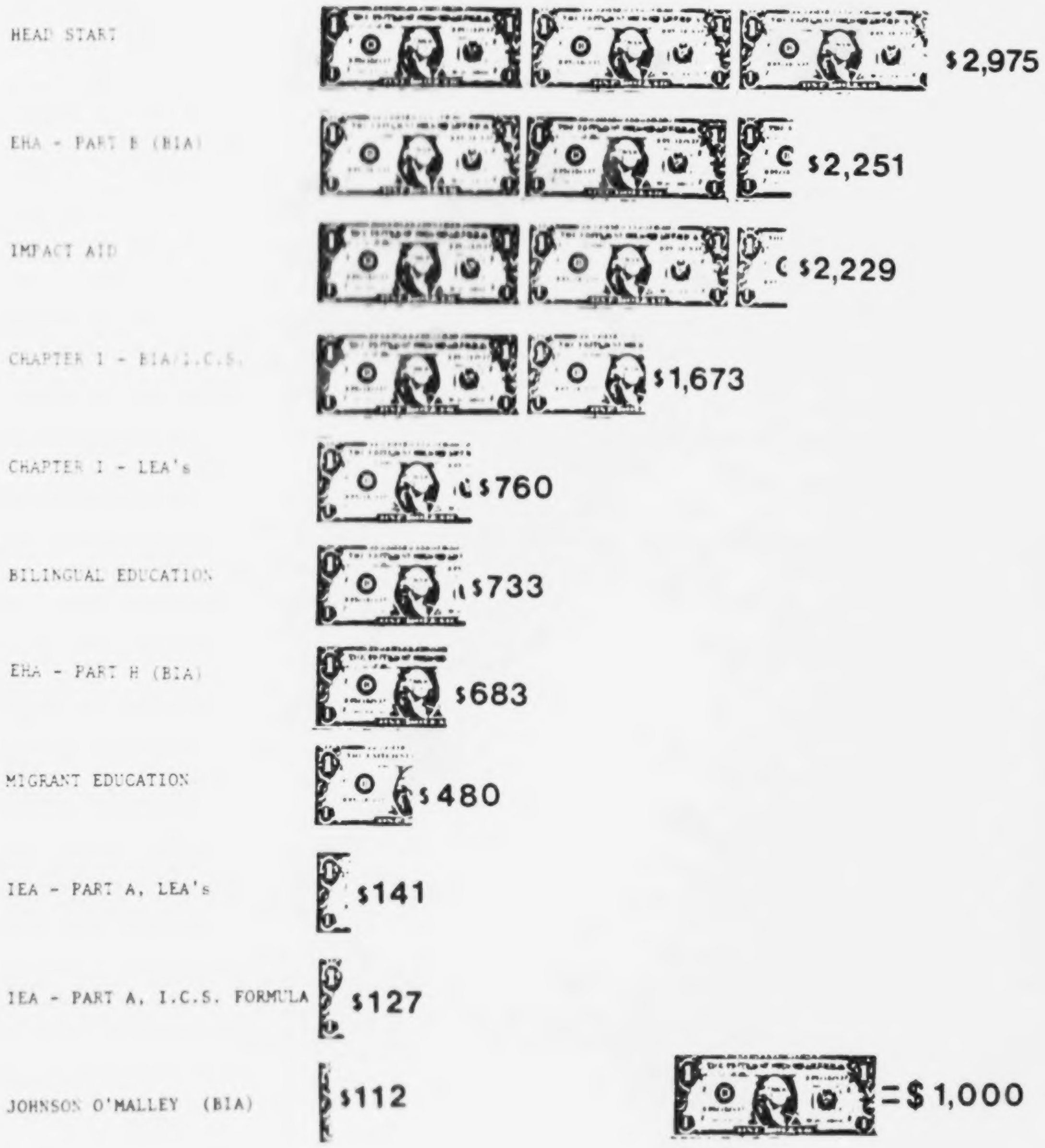
Program	Funding Level FY'88	Specifically for Indian Students	# Indians Served Counted	Total Students Served	Per Child Expenditure
Indian Education Programs					
Formula Grant (LEA)	$ 44,280,900	$ 44,280,900	313,239	313,239	$ 141.00
Formula Grant (ICS)	$ 1,389,100	$ 1,389,100	10,937	10,937	$ 127.00
Subtotal	$ 45,670,000	$ 45,670,000	324,176	324,176	
Johnson O'Malley (BIA)	$ 23,000,000	$ 23,000,000	205,705	205,705	$ 112.00
Migrant Education	$ 270,000,000	$ NA	NA	560,000	$ 480.00
EHA - Part H (BIA)*	$ 819,109	$ 819,109	1,200	1,200	$ 683.00
Bilingual Education	$ 190,504,000	$ 11,286,180	15,392	1,400,000	$ 733.00
Chapter I - LEAs	$3,800,000,000	$ NA	54,000	5,000,000	$ 760.00
Chapter I - BIA/ICS	$ 27,778,851	$ 27,778,851	16,604	16,604	$ 1,673.00
Impact Aid	$ 670,180,000	$ 234,853,559	105,332	2,000,000	$ 2,230.00
EHA - Part B (BIA)*	$ 16,518,643	$ 16,518,643	6,541	6,541	$ 2,525.00
Head Start	$1,206,324,000	$ 41,640,044	13,996	448,464	$ 2,975.00

* 1987-1988 School Year

FIGURE 7

COMPARISON OF PER PUPIL EXPENDITURE OF SELECTED FEDERAL PROGRAMS*

FY 88



* AMOUNTS SHOWN INDICATE ONLY THOSE FUNDS GENERATED BY OR FOR INDIAN STUDENTS, EXCEPT CHAPTER I - LEA's AND MIGRANT EDUCATION.

Clearly, an issue of great importance is the coordination of all of these various programs going to school districts to be sure that Indian and Alaska Native students benefit from all sources and that there is no supplanting of state funds with federal funds in the case of Indian students. There is also a concern that Indian Education Act formula grant funds should not used by school districts to provide the services to Indian and Alaska Native students that are provided to other students by other federal funds, such as Chapter 1 funds. Since many Indian and Alaska Native students are eligible for Chapter 1 services, if such students do not receive services from both programs, then Indian Education Act funds may be being used to supplant other federal dollars.

Although $337,589,000 was appropriated in fiscal year 1988 specifically for Indian education in the Bureau of Indian Affairs and the Office of Indian Education at the Department of Education, there are other programs within the Department of Education and other departments which have set asides for Indian/Alaska Native students or otherwise provide funds to school districts or other entities for services to such students or based on the counting of such students. These programs are included in Appendix D with the number of students served and agency contacts. Table 10 below lists such programs. If one simply adds the total funds in these education programs, the fiscal year 1988 funds specifically available for Indian/Alaska Native education needs amounted to $762,662,377. It should be noted that this total does not include amounts to public schools generated by Indian students under the Chapter 1 Program or funds serving Indian children under the general Headstart Program (for children not served by a federally recognized tribe or consortia of tribes) or other programs for which it cannot specifically be determined that Indian/Alaska Native children are being served. In fact, the grant amounts for bilingual programs which serve Indian and non-Indian students were not included in this total because Table 10 is meant as an attempt to isolate the education funds exclusively appropriated for, generated by, and/or spent for Indian/Alaska Native education needs.

With the vast amount of federal funds appropriated to Bureau of Indian Affairs and to other departments, including the Department of Education, for the education of Indians and Alaska Natives, it is essential that there be some requirement of an accounting of the results of these programs. Based on the available Indian education statistical information as reported in the beginning of this part, it does not appear that the Federal Government and Indian and Alaska Native people are getting the best results out of each federal dollar spent.

TABLE 10

FISCAL YEAR 1988 FUNDS SERVING INDIAN/ALASKA NATIVE EDUCATION NEEDS

Agency or Program	Amount
Bureau of Indian Affairs Education	$ 271,263,000
Office of Indian Education (Dept. of Ed.)	$ 66,326,000
Impact Aid--Maintenance & Operations	$ 234,853,559
Impact Aid--Construction	$ 16,578,200
Vocational Education Set-Aside	$ 10,462,352
Vocational Rehabilitation Set-Aside	$ 3,448,750
Minority Science Improvement Program	$ 710,501
Institutional Aid	$ 1,703,728
Bilingual Education (Exclusively Indian Programs)	$ 11,286,180
Library Services for Tribes	$ 1,803,700
Chapter 1 Set-Aside to BIA/Tribal Schools (BIA/TS)	$ 27,778,851
Education of the Handicapped Set-Aside (BIA/TS)	$ 17,675,000
Math & Science Education Set-Aside to BIA Schools	$ 400,000
Drug-Free Schools & Communities Set-Aside to BIA	$ 2,226,512
Interior Office of Construction Management	$ 41,160,000
Star Schools	$ 5,700,000
Project Headstart	$ 41,640,044
Indian Health Scholarship Program	$ 7,646,000
TOTAL:	$ 762,662,377

Sources: Appropriations Acts, telephone calls to program offices, and totals of amounts awarded to grantees from list of grantees provided by program offices.

PART VI

CONFRONTING INDIAN EDUCATION ISSUES IN THE 1990's

Educational services provided to Indian students by the Bureau of Indian Affairs (BIA) of the Department of the Interior was one of two major concerns of many Indian educators during fiscal year 1988. Attention to the Bureau was due to the much-publicized release of a final review draft report entitled "Report on BIA Education: Excellence in Indian Education Through the Effective School Process." The Bureau's three-part report included a history on the Bureau's Indian education system, the future of BIA education, and a section devoted to the implementation of an effective school program to improve the Bureau's current educational system. The review draft, which is yet to be published in a final report, was made available to the public for comment with the intention of using the document in planning the future of BIA education programs.

The authorization for the President to call a White House Conference on Indian Education in Public Law 100-297, as amended by Public Law 100-427, was the other major concern in the area of planning for the future of Indian education.

The following sections in this part of the annual report will discuss the Bureau report and the White House Conference on Indian Education. At the end of this part are the Council's specific recommendations to the Congress and Administration for the improvement of Indian education.

Bureau of Indian Affairs Education Report

In the spring of 1988, the Bureau of Indian Affairs published the final review draft of "Report on BIA Education: Excellence in Indian Education Through the Effective School Process." This long-awaited comprehensive report on the current state of the BIA education system is about 260 pages long and was distributed for comment to tribal leaders, Indian organizations and individuals, the Congress, and others. The overall stated goal of the report is to present long range options to revitalize and improve BIA education.

The review draft report examines elementary and secondary education provided by the Bureau, not including students served by BIA schools in the State of Alaska, as some 3,000 students in BIA-operated schools became part of the public school system in that state in the early 1980s. The report is presented in three sections. The first two sections discuss the current condition and future of the BIA Indian education system. The third section, "Building Effective Indian Schools," outlines the proposed goals and methods of developing effective BIA schools.

More specifically, the first section of the report, "Condition of BIA Education," provides information and tables on enrollment trends in BIA education. This information shows that the Bureau is experiencing a decline in student enrollment and that the BIA plays a small role in educating Indian students, stating that BIA-funded schools enrolled fewer than 10 percent of the total population of Indian students in the country in 1986. In the area of Indian student achievement, the report states that Indian students within the Bureau system achieved in the 21st percentile or lower in all grade levels as tested in 1986. In an effort to explain the low test scores, the report notes that Indian special education student scores were included in many of the reported test scores, a practice not used in public school test reports. It was also noted that many schools did not report their test scores at all to the Bureau. The report also stated that the costs of a BIA education are found to be much higher than the national norm. In 1986, the BIA-funded school students received $7,917 per student from all sources (including, among other things, construction funds, Chapter 1 and other Department of Education funds, and school lunch funds), compared to $4,051 per student in U.S. public schools. Some of the factors responsible for the higher costs are: high transportation costs in isolated, rural areas; a large number of employees in non-professional categories; small schools; boarding school costs; and BIA personnel policies and staffing patterns. The last chapter of part one is a profile of Indian students in public schools.

The second section of the draft report is devoted to the future of BIA education and whether there will or should continue to be a BIA presence in Indian education. The report lists the following five basic alternatives with respect to the future of BIA education: (1) replace BIA-administered education with tribal systems of education; (2) transfer BIA schools to public school districts;

(3) contract individual BIA schools to existing school boards; (4) adopt an individual education voucher system; or (5) revitalize the current BIA education system. This section of the report also discusses the existing facilities management program of the Department of the Interior and the future of Indian school facilities. The last chapter in this section studies leadership within the BIA education system and states that the system suffers from a lack of leadership at all levels.

The third section is a discussion of the ways in which the BIA could and has started to adopt an effective schools program for all Bureau schools. The last chapter of the report lists 15 proposed goals for revitalizing and improving Indian education in the Bureau through an effective schools system. The implementation of an effective schools program is dependent on public reaction that will determine whether these goals will be finalized, rejected, and/or other final goals adopted.

The National Advisory Council on Indian Education received a copy of the Bureau's final review draft in April 1988. In May, the Council received a notice that the BIA's scheduled consultation hearings would be held in the following six cities: Seattle, Washington; Oklahoma City, Oklahoma; Albuquerque, New Mexico; Gallup, New Mexico; Phoenix, Arizona; Arlington, Virginia; Aberdeen, South Dakota; and Eagan, Minnesota. On June 1-3, 1988, the full Council met in Albuquerque, New Mexico, and, as part of the agenda, dicussed the Bureau's report. Witnesses opposed certain sections of the report at a public hearing held by the Council on June 1, 1988, as a part of the meeting. In July, the Council issued a news release stating, among other things, that the Bureau had released misleading information in the final review draft concerning student's standardized test results.

Overall, the BIA has received almost 100 comments from individuals and organizations responding to the call for comment. However, to date, a revised final report has not been published.

White House Conference on Indian Education

The National Advisory Council on Indian Education discussed the White House Conference on Indian Education at several meetings, including the full Council and Executive Committee meetings, held in fiscal year 1988. The Council considers this conference to be one of the best opportunities for Indian tribal and Alaska Native village leaders, educators, parents, and students to have a role in determining the future of Indian education. An outline of the structure of the conference is listed below. For the specific legislative language authorizing the President to call the conference, see Public Law 100-297, which is printed in Appendix G of this report.

Legal Authority for Conference: Part E, Title V, Public Law 100-297, as amended by Public Law 100-427.

Authorization to Call Conference: Although section 5502 of Part E appears to give the President the authority to call the White House Conference on Indian Education, the language itself provides that "The President shall call and conduct a White House Conference on Indian Education . . . which shall be held not earlier than September 1, 1989, and not later than September 30, 1991" (emphasis added).

Authorizations for Appropriations: Section 5508 of Part E provides that there are authorized to be appropriated for each of the fiscal years 1988, 1989, and 1990 such sums as may be necessary to carry out this part and that such sums shall remain available until expended. Note: The section should be amended to authorize appropriations for fiscal years 1989, 1990, and 1991, to correspond to the authorization to call the conference.

Staff of White House Conference: Section 5504 of Part E provides that the Conference shall be planned and conducted by the Interagency Task Force on the White House Conference on Indian Education. The Task Force is to be established by the Secretary of the Interior and the Secretary of Education, each appointing no less than two professional staff members and one support staff member to work on a full-time basis, housed in offices provided by the Secretary of the Interior.

Advisory Committee: Section 5506 provides for an advisory committee consisting of 23 individuals, of whom 10 are appointed by the President and 5 each by the Speaker of the House of Representatives and President pro tempore of the Senate, and including the Assistant Secretary of the Interior for Indian Affairs or his delegate, the Secretary of Education or his delegate, and the Director of the Task Force.

Participants of the Conference: Section 5503 provides for the conference participants to be representative of specified categories of individuals with one-third of the participants being selected by the President, Speaker of the House of Representatives, and President pro tempore of the Senate, respectively.

Purpose of the Conference: Section 5502 provides that the purpose shall be to (1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing federal programs relating to the education of Indians and (2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians.

Cost of the Conference: It is estimated that the conference will cost $2.5 million and that $500,000 each will be needed in fiscal year 1990 for both the Department of the Interior and the Department of Education for planning the conference with the remaining $1.5 million in fiscal year 1991 for conduct of the conference and any associated state conferences.

What NACIE Expects of the Conference: In addition to the subject areas outlined in the law for the Conference to consider, the Council notes several more specific items that will or should be addressed by the Conference. These include, but are not limited to:

(1) Indian and Alaska Native educational data needs and any necessary uniform data to be required by federal agencies in all Indian/Alaska Native education-related applications for assistance;

(2) Educational innovations which may better serve the needs of Indian students and research thereof;

(3) Whether the Bureau of Indian Affairs should continue to provide educational services to elementary and secondary students and, if so, how administrative costs at the central, area, and agency office levels can be reduced to get more of the funds to the students, including pass-through funds from the Department of Education (such as Chapter 1 funds);

(4) Professional needs of Indian reservations and Indian and Alaska Native communities, including the expertise needed for economic development, and the targeting of federal scholarship and fellowship funds to better meet these needs as defined by the tribe or community;

(5) Adult education, including the states' responsibility in providing state administered federal adult education funds and state funds to tribes and communities;

(6) Vocational/technical education, including the states' responsibility in providing state administered federal vocational/technical education funds and state funds to tribes and communities;

(7) Supplanting of state funds with federal funds to serve Indian students and how to prevent such;

(8) Supplanting of federal funds with federal funds to serve Indian students and how to prevent such (for example, it is reported that school districts provide Indian students with the same services with Indian Education Act funds that they provide other students with Chapter 1 funds, thereby depriving Indian students of Chapter 1 services and supplanting federal funds with federal funds);

(9) Research and planning in the Indian education field;

(10) Early childhood education and the responsibilities of the tribes, federal agencies, and the states;

(11) Child care and the responsibilities of the tribes, federal agencies, and the states;

(12) Adequate funding for tribally controlled colleges, including endowments;

(13) Appropriate use of the tribally controlled college in the development of the reservation community and human resources;

(14) Library services for tribally controlled elementary and secondary schools and tribally controlled colleges, including cooperative agreements with state and local libraries and the Library of Congress; and

(15) Identification of all Indian and Alaska Native generated federal and state funds, including state-administered federal funds, and coordination of efforts and dollars to maximize benefits to students and minimize administrative costs, whether or not an independent Board of Indian Education is established to assume responsibility for all existing federal programs relating to the education of Indians and Alaska Natives.

Council Recommendations

The recommendations of the National Advisory Council on Indian Education to the Congress of the United States and to the Department of Education and the current Administration are as follows:

1. The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the United States Department of Education and the Director of OIE should be upgraded to that of an Assistant Secretary who shall report directly to the Secretary of Education.

2. Indian preference should be upheld and effectively implemented at all levels in the Office of Indian Education, United States Department of Education, and the Secretary of Education should send periodic reports to NACIE on the implementation of Indian preference.

3. The Office of Indian Education, United States Department of Education, should play a leading role in identifying and disseminating effective programs within the Indian education programs funded by the Department of Education.

4. The Secretary of Education should conduct a review of the Resource and Evaluation Centers funded by the Office of Indian Education. Such review should note their mandate, responsiveness to Indian Education Act program grantees and potential grantees, and any gaps in such service. From such a review, the National Advisory Council on Indian Education should then review technical assistance needs and recommend the future role and responsibilities of such centers.

5. The Secretary of Education should conduct an evaluation of the Indian Fellowship Program and report on number of applicants funded, tribes of the applicants, levels of funding, and number of applicants not funded. A survey of the professional needs in Indian affairs should be conducted to highlight potential new areas of fellowship activity.

6. The Secretary of Education should send a report to the National Advisory Council on Indian Education explaining the common support items that the Council pays to the Department of Education and why such payment is required.

7. The Secretary of Education should conduct a review of all grant-in-aid programs in the United States Department of Education under which local educational agencies receive funding to ensure that Indian Education Act funds are not being used to supplant other federal funds.

8. There should be increased cooperation between the Department of Education/Office of Indian Education and the National Advisory Council on Indian Education, especially with respect to policy development, regulations, and other items related to administration of programs in which Indian children or adults participate or from which they can benefit.

9. Given the confusion regarding the interpretation of section 5314(e) of the Indian Education Act of 1988 (Part C, Title V, P.L. 100-297), any grantee which has 506 forms on file for each child counted during the period from the date of submission of the application for the prior year to the date of submission of the application for the year in question should not be held liable to the United States or be otherwise penalized by reason of any audit conducted before the date of enactment of such Act.

10. The President should call the White House Conference on Indian Education and the Congress should appropriate for fiscal year 1990, to remain available until expended, the sum of $500,000 for the Department of the Interior and $500,000 for the Department of Education to carry out the necessary planning of the Conference and $1.5 million in fiscal year 1991 to conduct the conference and any associated state conferences.

11. The Congress should enact a technical amendment to Part E, Title V, Public Law 100-297, to authorize appropriations for 1991 for the White House Conference on Indian Education.

APPENDICES

APPENDIX A

DATES AND PLACES OF MEETINGS

1987

October 26, 1987
Executive Committee Meeting (Open meeting)
Bismarck, North Dakota

The highlight of this meeting was the roundtable discussion session co-hosted by the National Indian Education Association. Eight other national Indian education leaders attended this session. The Executive Committee also attended the 19th Annual National Indian Education Association Conference.

1988

January 19-20, 1988
Full Council Meeting (Partially closed meeting)
Washington, DC

Reauthorization of the Indian Education Act was the major concern of this full Council meeting. Representatives from the House Education and Labor Committee and the Senate Select Committee on Indian Affairs briefed the Council on the status of the proposed reauthorization language. The Council discussed additional recommendations to the Congress on the proposed legislation.

January 21-22, 1988
Proposal Review Committee Meeting (Closed meeting
Washington, DC

The Committee conducted oversight review of the fiscal year 1988 Title IV discretionary program applications, including applications under Part A--Indian Controlled Schools; Part B--Planning, Pilot, and Demonstration, Educational Services, and Education Personnel Development (sections 1005 and 422); and Part C--Adult Education Services.

April 12-13, 1988
Proposal Review Committee Meeting (Closed meeting)
Washington, DC

The Committee reviewed applications for the fellowship program of the Office of Indian Education Programs and submitted recommendations to the Secretary of Education William J. Bennett. Assistant Secretary of Elementary and Secondary Education Beryl Dorsett responded to the Council's recommendations.

June 1-3, 1988
Full Council Meeting (Open meeting)
Albuquerque, New Mexico

The President of the United States signed Public Law 100-297, the Augustus F. Hawkins-Robert T. Stafford School Improvement Act of 1988, which contained the reauthorization of the Indian Education Act. Discussion centered on the implementation of this legislation. Technical amendments which were necessary for the implementation of the new law were also discussed. The Bureau of Indian Affairs final review draft, "Report on BIA Education," was discussed at length and the Council issued a press release to the public on misleading statements and assumptions presented in this report. The Council accepted public testimony on the new law and other Indian education issues from representatives of several Indian groups.

July 21-22, 1988
Executive Committee Meeting (Open meeting)
Oneida, Wisconsin

The Bureau of Indian Affairs' "Report on BIA Education" was discussed at this Executive Committee meeting. The public was once again given the opportunity to present views on various Indian education issues, ranging from the aforemen- tioned report to the White House Conference on Indian Education. The Committee also met to prepare the search process for a permanent Executive Director of the National Advisory Council on Indian Education. The Committee also discussed the NACIE Outstanding Indian and Alaska Native Youth Program.

September 3, 1988
Executive Committee Meeting
(Partially closed meeting)
Boulder, Colorado

The main purpose of this meeting was to allow the Executive Committee to review all applications for the position of NACIE Executive Director. The White House Conference on Indian Education and the "Report on BIA Education" were also discussed.

September 24-25, 1988
Executive Committee Meeting
(Partially closed meeting)
Denver, Colorado

The Executive Committee interviewed the semifinalists for the position of NACIE Executive Director. A short period of time was set aside during the meeting to conduct other Committee business.

APPENDIX B

LIST OF FELLOWSHIP RECIPIENTS

Listed below are the recipients of fiscal year 1988 I

Business

Vernon Dean Brown, California State Univ./Napa
Eugene A. Cam, South Connecticut State Univ.
Leroy Chavez, Golden Gate Univ.
Catherine L. Cichosz, Univ. of Montana
Melanie L. Fourkiller, Northeastern State Univ.
Robert A. Guenther, Univ. of Southern California
Faith H. Jacob, Univ. of Oklahoma
Erin D. Maxwell, Univ. of Oklahoma
Ellen L.S. McHorse, Univ. of Oklahoma
Toni Jo Minton, Univ. of Minnesota/Duluth
Steve M. Red Elk, Cameron Univ.
Natalie L. Robb, Univ. of Texas
Lisa L. Ross, Univ. of Denver
Bryan M. Schwahn, Arizona State Univ.
Sarah T. Stratton, Oklahoma State Univ.
Darlene Walker, Univ. of Oklahoma
Cari L. Whittington, Shaw Univ.
Carolyn Jean Wildcat, Central State Univ.

Clinical Psychology

Alberta Ann Arviso, Washington State Univ.
Rebecca Renae Crawford, Utah State Univ.
Elizabeth Daniels, Oklahoma State Univ.
Carol Annette Hoogenboom, Forest Inst. of Prof. Psych
Jeffrey J. King, Penn State Univ.
Shelly Marie Peltier, Univ. of North Dakota
Avie Rainwater, Oklahoma State Univ.
Richard Todd Revard, Pepperdine Univ.
Michelle Marie Tangimana, Utah State Univ.
Iva W. Trottier, Utah State Univ.
Darlene Mumby Wood, California School of Prof. Psych.

Education

Leesta A. Bentley, Claremont Graduate School ndian Education Act fellowships as awarded by field of study:

Education, continued

Lila F. Bird, Univ. of New Mexico
Nelson R. Blaine, Jr., Univ. of South Dakota
Wayne P. Brund, Univ. of Montana
David Benally Buller, Harvard Graduate School
Gretchen W. Freed-Rowland, Univ. of Oregon
Karen M. Halbritter, Harvard Graduate School
Roger Dale Herring, North Carolina State Univ.
Leon Jacobs, Campbell Univ.
Shirley Mae Kendall, Harvard Graduate School
Frank Mark Laber, Univ. of Montana
Lavon M. Lee, Univ. of Minnesota
Laura J. Massey, Montana State Univ.
Robert Mondragon, Harvard Graduate School
Diann L. Morrison, Univ. of Minnesota
Janice A. Neimeyer, Univ. of Alaska/Fairbanks
Thomas D. Peacock, Harvard Graduate School
John Joseph Peregoy, Syracuse Univ.
Cornel Derek Pewewardy, Penn State Univ.
Steve Clinton Small, Eastern Montana College
Francis Steindorf, Univ. of Wisconsin/Madison
Suzanne L. Werywackwe, Univ. of Oklahoma

Engineering

Janna Marie Azure, Univ. of North Dakota
Ladonna Cook, North Dakota State Univ.
W. Cummings, Georgia Inst. of Tech.
Anthony G. Falcone, Massachusetts Inst. of Tech.
Deborah A. Falcone, Massachusetts Inst. of Tech.
Steven J. Horn, Univ. of Oklahoma
Michael W. Ironwing, Case Western Reserve Univ.
Zachary A. Labatte, Cornell Univ.
Bryan C. Locklear, Princeton Univ.
Bradley Lynch, North Carolina State Univ.
Patricia S. Mackey, Seattle Pacific Univ.
Lance Shelson Parker, Univ. of Kansas

LIST OF FELLOWSHIP RECIPIENTS, continued

Engineering, continued

Claudine Renee Pena, Univ. of Calif./San Diego
Brian K. Rogers, Oklahoma State Univ.
Paris M. Rutherford, Univ. of Southern California
Davis Reynolds Schmitz, Birmingham/Southern College
William E. Taylor, Auburn Univ.
Madonna C. Yawakie, North Dakota State Univ.

Law

Ronald P. Andrade, National Univ.
Stevan C. Emery, Harvard Law School
Toni L. Goodin, Univ. of Calif./Los Angeles
Mickeal Todd Hembree, Univ. of Notre Dame
Tamsen Lea Holm, Stanford Univ.
Jolanda E. Ingram, Univ. of New Mexico
Heather Ruth Kendall, Harvard Law School
Tina Marie Kuckkahn, Univ. of Wisconsin/Madison
Paula R. Lee, Univ. of California/Berkeley
Francina Gail Lewis, Campbell Univ.
John R. Maloy, Univ. of Arkansas
Charles G. McKnight, Univ. of the Pacific
Stephen J. Moss, Oklahoma City Univ.
Robert B. Porter, Harvard Law School
Richard A. Rigler, Univ. of California/Los Angeles
Susanne D. Roubidoux, Univ. of California/Berkeley
Betty L. Stilwell, Univ. of Tulsa
Dana M. Wilson, Washington Univ.
Troy Martin Woodward, Harvard Law School

Medicine

Stacy D. Abeyta, Univ. of South Alabama
Linda S. Aranaydo, Univ. of California/San Francisco
Charlene Avery, Univ. of Arizona
Doyle Bender, Univ. of North Dakota
Marsha Boatman, Texas A&M Univ.
Clay I. Campbell, Univ. of Oklahoma

Medicine, continued

Chris Adair Carson, Univ. of Oklahoma
Tammie Chavis, Campbell Univ.
Terry W. Clark, Tuskegee Univ.
Ethel Ann Connelly, Colorado State Univ.
Kenneth Crawford, Univ. of North Dakota
Rodney W. Cuny, Univ. of Utah
Kimberly A. Daniels, Penn St./Hershey Med Ctr.
David John Gayton, Univ. of North Dakota
Mark Lester Hagood, Univ. of Alabama
Jeffrey A. Henderson, Univ. of Calif./San Diego
Thomas R. Hernandez, Stanford Univ.
Mitchell L. Hutchinson, Washington State Univ.
Brett A. Koplin, Mayo Medical School
Dan McGregor, National College of Chiropract.
Glenn C. Middleton, Univ. of Alabama
Michael T. Parker, Tufts Univ.
Nancy F. Sandoval, Stanford Univ.
Brian Wilford Thompson, SUNY, Syracuse
Kathryn Ann Wallace, Univ. of Calif./Davis
Paula Ann West, Univ. of Calif./San Diego
Toby D. Wise, Univ. of Oklahoma
Lisa Joyce Yankton, Stanford Univ.

Natural Resources

Elizabeth Anderson, Wichita State Univ.
Daniel D. Belcourt, Univ. of Montana
Christine Jean Benally, Colorado State Univ.
Neil L. Blue, East Carolina Univ.
David B. Cole, SUNY at Plattsburgh
Stephen E. Collier, Samford Univ.
Benjamin D. Cunningham, Jr., Calif. State Univ.
Roylene (Ridesatthe) Doore, Montana State Univ.
Dean Kinerson, Univ. of California/Berkeley
Steven A. Peter, Univ. of Alaska
Eddie Previtte, Univ. North Carolina/Chapel Hill
Tardie L. Roupe, Arizona State Univ.

Natural Resources, continued

Wenonah Skye, Univ. of Wisconsin/Madison
Jimmie William Tail, Harvard Univ.
John E. Waconda, Colorado State Univ.

Psychology

Robert Clair Brisbois, Eastern Washington Univ.
Barbara S. Cornell, Oklahoma State Univ.
Sharon Elizabeth Coss, Western Washington Univ.
Michael A. Cummings, Utah State Univ.
Barbara E. Elgutaa, Univ. of Wisconsin/Madison
Richard L. Farrell, City Univ.
Catherine McG. Gallagher, California Inst. of Int. Studies
Georgia Ann Masayvesva, Northern Arizona Univ.
Jeffrey A. Mowrer, Univ. of Wyoming
Lisa Marie Savage, Univ. of Minnesota

APPENDIX C

SECONDARY SCHOOL RECOGNITION PROGRAM, U.S. DEPARTMENT

In fiscal year 1987, the U.S. Department of Education
secondary schools selected for national recognition ir
Schools were selected from 670 middle, junior high, ar
of education and the Bureau of Indian Affairs (BIA).
recognition. The **Dzilth-na-o-dith-hie Community Schoo**
middle/junior high school category, and the **Santa Fe I**
for recognition in the senior high school category.

During fiscal year 1988, the full Council held a meeti
part of the activities of the meeting, the Council Mem
two schools by hosting an appreciation dinner on June
For more information about the schools, please contact

D. Duane Robinson, Principal
Dzilth-na-o-dith-hie Community School
P.O. Box 5003
Bloomfield, New Mexico 87413
(505/632-1697)

Josep
Santa
1300
Santa
(505/

OF EDUCATION

announced the names of 271 public and private
the 1986-87 Secondary School Recognition Program.
d senior high schools, nominated by state departments
Two BIA schools were selected for national
l in Bloomfield, New Mexico, was selected in the
ndian School in Santa Fe, New Mexico, was selected

ng in Albuquerque, New Mexico, on June 1-3, 1988. As
bers and staff acknowledged the achievement of these
l for representatives of the two New Mexican schools.
:

h Abeyta, Superintendent
Fe Indian School
Cerrillos Road
Fe, New Mexico 87501
982-6291)

APPENDIX D

PROGRAMS BENEFITING INDIAN STUDENTS IN FISCAL YEAR 1988

U.S. DEPARTMENT OF EDUCATION

Elementary and Secondary	
Indian Education Act	$ 66,326,000
Impact Aid-Maintenance & Operations	$234,853,559
Impact Aid-Construction	$ 16,578,200
Adult and Vocational Education	
Adult and Vocational Set-Aside	$ 10,462,352
Vocational Rehabilitation	$ 3,448,750
Postsecondary	
Minority Institutions Science Impro.	$ 710,501
Institutional Aid	$ 1,703,728
Bilingual	$ 11,286,180
Educational Research	
Library Services for Tribes	$ 1,803,700
TOTAL:	$347,172,970

Operated by BIA but funded through Education Department

Chapter I Set-Aside	$ 27,778,851
Education of the Handicapped Set-Aside	$ 17,675,000
Math and Science Set-Aside	$ 400,000
Drug-Free Schools & Communities Set-Aside	$ 2,226,512
Star Schools	$ 5,700,000
TOTAL:	$ 53,780,363

BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

School Operations	
ISEP (Formula & Adjustments)	$163,120,000
Education Standards	$ 300,000
Institutionalized Handicapped	$ 1,428,000
School Boards (Expenses & Training)	$ 1,235,000
Student Transportation	$ 11,962,000
Solo Parent	$ 108,000
Technical Support (Agency & MIS)	$ 8,890,000
Substance/Alcohol Abuse Counselors	$ 2,400,000
Johnson O'Malley	$ 20,351,000
Continuing Education	
Postsecondary Schools	$ 13,862,000
Special Higher Education Scholarships	$ 1,910,000
Tribally Controlled Comm. Colleges (Operations & Endowment)	$ 12,868,000
Tribe/Agency Operations	
Scholarships	$ 28,770,000
Tribal Colleges Snyder Act Supplement	$ 918,000
Adult Education	$ 3,141,000
TOTAL:	$271,263,000

OTHER PROGRAMS

Office of Construction (Interior)	$ 41,160,000
Scholarship Program (Indian Health Serv.)	$ 7,646,000
Head Start (Health & Human Services)	$ 41,640,044
TOTAL:	$ 90,446,044

GRAND TOTAL: **$762,662,377**

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISC

PROGRAM	FY'88 Budget # of Students
A. Neal Shedd, Acting Director Office of Indian Education Office of Elementary & Secondary Ed. U.S. Department of Education 400 Maryland Ave., S.W., Room 2177 Washington, DC 20202-6138 (202/732-1887)	Total $66,326, Part A $ 45,670, A-ICS $ 3,500, Part B $ 11,707, Part C $ 3,000, Admin. $ 2,449, Students Total 350,247 A 324,176 ICS 5,366 B 14,914 Fellow. 141 C 5,650
Greg Spencer Impact Aid-Maintenance & Operations U.S. Department of Education 400 Maryland Ave., S.W., Room 2075 Washington, DC 20202-6244 (202/732-5929)	P.L. 81-874 Indian "A" Stude $234,853,559 No. of students: 105,331
Willia Patterson Impact Aid-Construction U.S. Department of Education 400 Maryland Ave., S.W., Room 2117 Washington, DC 20202-6244 (202/732-4663)	P.L. 81-815 To be obligated $ 16,578,200 No. of projects: 4
Harvey Thiel/Tim Halnon Indian Tribes & Organizations Prog. Adult and Vocational Education U.S. Department of Education 330 "C" Street, S.W., Room 4512 Washington, DC 20202-7242 (202/732-2380)	1.25% set-aside $ 10,462,352 Projects About 50

AL YEAR 1988

	Issues in FY'88 and FY'89
000 000 000 000 000 000	• BIA schools are eligible, as Local Educational Agencies, for Subpart 1 grants in FY'89. • New Gifted & Talented pilot program will be funded in FY'89. • Indian preference in OIE currently being implemented. • Received 617 applications for fellowship program; funded 88 continuation fellowships and 53 new fellowships in FY'88.
nts	• Program compensates LEAs for the cost of educating children who reside on Indian lands.
	• Direct grants to school districts serving children who reside on Indian lands for construction or repair of school facilities. • Over $10 million was carried over from FY'87 to FY'88.
	• Congress is considering reauthorization of the Carl Perkins Voc Ed Act in FY'89. • BIA matching appropriations language needs to be met or deleted from the act. • States need to recognize tribes as eligible entities for matching grants. • Inadequate travel money for monitoring programs and providing technical assistance.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN F

PROGRAM	FY'88 Budget # of Students
Edward Hofler Indian Tribes & Organizations Prog. Vocational Rehabilitation U.S. Department of Education 400 Maryland Ave., S.W. (Room 3318 Switzer Building) Washington, DC 20202-2575 (202/732-1332)	.25% set-asid $ 3,448,750 No. of studen About 2,500 i projects (6 n 8 continuatio
Dr. Angelia Velez-Rodriguez Minority Science Improvement Program American Indian and Native Alaskan Institutions Office of Postsecondary Education 7th & "D" Streets, S.W., Room 3022 Washington, DC 20202-5339 (202/732-4396)	$ 710,501 No. of studen 1,375 in 6 institutions
Dr. Louis J. Venuto Institutional Aid U.S. Department of Education 400 Maryland Ave., S.W. Room 3042, ROB-3 Washington, DC 20202-5335 (202/732-3314)	$ 1,703,728 No. of institu 9
Rudolph Munis, Division Director Div. of State & Local Programs Office of Bilingual Education U.S. Department of Education 330 "C" Street, S.W., Room 5609 Washington, DC 20202-6510 (202/732-5700)	Indian Exclus $ 11,286,180 No. of studen 15,392 (94 pr in 18 states) Indian include not exclusive $ 3,392,231 No. of studen 2,255 (22 prog 9 states)

ISCAL YEAR 1988

	Issues in FY'88 and FY'89
e s: 14 w/)	• State grants and set-aside service grants to tribes to provide vocational rehabilitation services to handicapped Indians.
s:	• Discretionary grants to develop specific educational programs; funds reflect amount going to predominantly Indian institutions.
tions:	• Discretionary grants to develop self-sufficiency at institutions; funds reflect amount going to predominantly Indian institutions.
ve s: grams d but s: rams in	• Discretionary grants awarded to Indian projects. • More research needs to be done on Indian bilingual education needs. • Need more Indian staff on the national level due to the large Indian population that is served. • FY'87 awards are 3-5 year grant awards.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISCA

PROGRAM	FY'88 Budget # of Students
Beth Fine Library Services for Tribes U.S. Department of Education 555 New Jersey Avenue, N.W. Washington, DC 20208-1430 (202/357-6315)	Total $ 2,405,000 Indian Tribes $ 1,803,700 Basic (175 Grants $ 646,893 Special (17 Grant $ 1,156,857 Hawaiian (1 Grant $ 601,250
Goodwin K. Cobb III Chapter I Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-6364)	1% Set-Aside $ 27,778,851 No. of students: 16,604
Betty Baker (ED)/G. K. Cobb (BIA) Education of the Handicapped Bureau of Indian Affairs U.S. Dept. of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-6675)	P.L. 94-142 1.25% Set-Aside $ 17,675,000 No. of students: 5,366
Bill Mehojah Math & Science Education Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W., Rm 3512 MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4072)	.5% Set-Aside $ 400,000

L YEAR 1988

	Issues in FY'88 and FY'89
) s))	• Direct grants to Indian tribes for the provision of library services and facilities. • Library Services and Construction Act will be considered for reauthorization in 1989.
	• For use at BIA-operated and contracted schools, this program provides compensatory (supplemental) education services to disadvantaged children.
	• Provides supplemental funding for special education and related services to handicapped Indian children ages 0-21 years.
	• For use in BIA-operated elementary and secondary schools.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FI

PROGRAM	FY'88 Budget # of Students
Bill Mehojah Drug-Free Schools & Communities Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W., Rm 3512 MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4072)	1% Set-Aside $ 2,226,512
Joy Martin ISEP (Formula & Adjustments) Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4236)	$163,120,000 No. of student 39,592 in 23 s BIA Operated 27,734 BIA Contract 11,858
Wilson Babby, Director Education Standards Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-3562)	$ 300,000
Carl Cooley Institutionalized Handicapped Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-1991)	P.L. 91-142 $ 1,428,000 No. of student 147

SCAL YEAR 1988

	Issues in FY'88 and FY'89
	• For alcohol and drug abuse prevention programs for children served by the BIA.
s: tates	• In FY'89, the BIA will operate either directly or by contract, about 168 elementary & secondary schools & 14 dormitories. • In FY'88, 38% of all BIA-funded schools were contracted to tribes and 7 schools operated under formal cooperative agreements with public schools.
	• In FY'88, funds went for in-service training for current professional staff. • Program not funded in FY'89.
s:	• Program typically provides education and related services to severely handicapped and medically fragile children between the ages of 5-21 years. • Children are served in 25 private facilities, 2 tribal institutions, and 3 state institutions.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISC

PROGRAM	FY'88 Budget # of Students
Bill Mehojah School Boards Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4072)	$ 1,235,000
Woodward Hopper Student Transportation Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4235)	$ 11,962,000
Jim Martin Solo Parent Program Bureau of Indian Affairs U.S. Department of the Interior 18 & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-7387)	$ 108,000

AL YEAR 1988

Issues in FY'88 and FY'89
• To facilitate Indian control of all matters relating to education, P.L. 95-561 directed Indian school boards be involved in local educational planning and decisionmaking. • FY'88 money went for school board expenses for: (1) travel, per diem, stipends, and other costs for meetings; (2) fees for membership in school board associations; and (3) legal fees. • FY'89 funds for school boards were transferred to ISEP formula in accordance with P.L. 100-297, which authorizes a set-aside rather than direct funding.
• Funding includes service costs for vehicle operators, GSA vehicle rental, supplies and equipment, maintenance, and repair and other support costs.
• Operated at Sherman Indian School and Flandreau Indian School to provide single parents the opportunity to complete their high school education while living at the school with their children.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN F

PROGRAM	FY'88 Budget # of Students
Woodward Hopper Technical Support Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4235)	Total $ 8,890,000 Area/Agency O $ 8,348,000 MIS $ 424,000
Bill Mehojah Substance/Alcohol Abuse Education Program Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4072)	$ 2,400,000
Goodwin K. Cobb III Johnson O'Malley Program Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-6364)	$ 20,351,000 No. of studen 201,162 in 30 contracts
Jim Martin Postsecondary Schools Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-7388)	$ 13,862,000 No. of studen Haskell ($7,2 Fall 756/Spri SIPI ($3,828, Fall 465/Spri

SCAL YEAR 1988

	Issues in FY'88 and FY'89
ffice	• Includes educational Management Information Systems (MIS) activities; field level staff assistance to the Director, OIEP; and broad technical assistance and leadership for all education programs to local school boards, other tribal members, parents and other Indian citizens.
	• Under PL 99-570, all schools funded by the BIA are required to provide a program of instruction relating to alcohol and substance abuse prevention and treatment. • In FY'89, the BIA expanded this program with other substance abuse programs from the Dept. of Education to include a program in Health Promotion and Disease Prevention and an AIDS program. • Funds are used by school counselors and existing staff.
ts: 5	• Provides funding for supplemental educational programs for eligible Indian students in public schools and also programs for 3-4 year-old children to meet their special needs as determined by contractors and local Indian education communities. • Under PL 100-446, a new formula will be phased in over 3 years beginning in FY'89 all states receive a minimum of 1.1; FY'90 minimum of 1.2; and FY'91 minimum of 1.3.
ts: 10,000) ng 689 000) ng 480	• FY'88 includes funds for the Institute of American Indian Arts (IAIA). • IAIA severed ties with BIA in 1988, as stated in P.L. 99-498, which was signed in October 1988 and became effective June 1, 1988.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FIS

PROGRAM	FY'88 Budget # of Students
Reggie Rodriguez Special Higher Ed. Scholarships Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. Washington, DC 20245 (202/343-4872)	Total $ 1,910,000 Amer. Ind. Scho $ 1,750,000 Students served 292 UNM Summer Law $ 160,000 Students served 22
Virgil Akins Tribally Controlled Comm. Colleges Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS-3512 MIB Code 500 Washington, DC 20245 (202/343-4872)	Total $ 12,868,000 Operating Costs Title I $8,189, Title II $4,063 Tech/Asst $116, Endowment (PL 9 $ 500,000
Jim Martin Scholarships (Higher Ed. Prog.) Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-7388)	$ 28,806,000
Virgil Akins Tribal Colleges Snyder Act Supp. Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4872)	$ 932,000

CAL YEAR 1988

	Issues in FY'88 and FY'89
lar. : Prog. :	• FY'89 program includes Summer Law Program. • As stated in the BIA Budget Justification, the Summer Law Program, which was a congressional add-on for FY'89, will not be funded in FY'90. • Beginning in FY'89, only applicants in the priority fields of study will be eligible for funding. • Received 519 applications in FY'88.
000 ,000 000 9-428)	• 20 colleges were served in FY'88; 21 colleges are being served in FY'89; 22 colleges will be served in FY'90. • Title II is only for Navajo Comm. College.
	• Program funded under Indian Services-Tribe/Agency Operations in FY'88 budget. • Education staffs at the area and agency offices provide supervision for this program.
	• Under authority of the TCCC Assistance Amendments Act (PL 98-192) the BIA provides grants to tribal colleges for academic and administrative purposes and for the operation and maintenance of the colleges. • Program funded under Indian Services-Tribe/Agency Operations in FY'88 budget.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN F

PROGRAM	FY'88 Budget # of Student
Reggie Rodriguez Adult Education Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W. MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4879)	$ 3,141,000 No. of studen 12,000 in 88
Yemia Kiamichi Institute of American Indian Arts Campus of College of Santa Fe St. Michael's Drive Box 20007 Santa Fe, NM 87504 (505/988-6603)	$ 2,656,000
Arthur Love Office of Construction Management U.S. Department of the Interior 18th & "C" Streets, N.W., Rm 2415 Washington, DC 20245 (202/343-3403)	Total $ 41,160,000 Education pr $ 14,800,000 Planning & D $ 1,000,000 Improvement $ 25,360,000
Bill Mehojah Star Schools Bureau of Indian Affairs U.S. Department of the Interior 18th & "C" Streets, N.W., Rm 3512 MS 3512-MIB Code 500 Washington, DC 20245 (202/343-4072)	$ 5,700,000 1 project se 16 sites

* This amount included in total of BIA Postseconda

ISCAL YEAR 1988

	Issues in FY'88 and FY'89
ts: programs	• Provides educational opportunities and learning experiences to enable adult Indian/Alaska Natives to complete high school graduation requirements, acquire basic literacy skills, and gain new skills and knowledge. • Program funded under Indian Services-Tribe/Agency Operations in FY'88 budget.
*	• IAIA severed ties with the BIA as stated in P.L. 99-498, which was signed in October 1988, which went into effect June 1, 1988. • IAIA received $3,093,000 in FY'89.
ojects esign	• In FY'88, by Congressional directive, the moratorium on new construction applications was lifted, and the application process was reinstated and procedures published in the Federal Register for the guideline availability requirements for evaluation and ranking.
rves	• Award is for two years.

ry Schools program.

APPENDIX D

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISCAL Y

PROGRAM	FY'88 Budget # of Students
Larry Thomas, Chief Scholarship Program Indian Health Service Parklawn Bldg., Room 6-12 Rockville, MD 20857 (301/443-6197)	Entire Program $ 7,646,000 Sec. 102 $ 575,000 Sec. 103 $ 2,058,000 Sec. 104 $ 3,925,000 Sec. 105 $ 1,087,000
Pecita M. Lonewolf, Chief American Indian Programs Branch Project Head Start Dept. of Health & Human Services 330 "C" Street, Room 2231 Washington, DC 20013 (202)/245-0486	$ 41,640,044 Tribal Organizations 105 Students Served 13,996

EAR 1988

Issues in FY'88 and FY'89
• Out of 880 applications received, the IHS scholarship program could only serve 88 new awards because of limited funds; there were 335 continuation awards. • Placement of graduates for those who do not have Indian preference needs to be resolved; mandatory placement process is being considered.
• Eligibility requirements: Must meet family income guidelines which vary according to number in household. • Must be from a Federally recognized tribe if participating in an Indian operated program.

APPENDIX E

OUTSTANDING INDIAN YOUTH PROGRAM

In June 1988, the School Quality Control Committee of th
announced the **National Leadership and Achievement Progra**
Youth 1988 to recognize and honor Indian youth. The Out
Council to participate in the American Indian and Alaska
Council on Indian Affairs, U.S. Department of Health and
to enlist all sectors of the American Indian and Alaska
social and economic self-sufficiency. Listed below are
Indian Youth of 1988:

ALABAMA

Heath Bradley Weaver
Citronelle, AL

ALASKA

Kimberly J. Ansaknok
Ft. Yukon, AK

Francine D. Chiklak
Anchorage, AK

Clariss Geffe
Kiana, AK

Jana M. Larsen
Kodiak, AK

ARIZONA

Gloria Begay
Glendale, AZ

Michelle (Missey) Bingham
Show Low, AZ

Lori M. Fred
Kykotsmovi, AZ

Arizona, continued

Kimberly Garcia
Keams Canyon, AZ

Francine Honie
Polacca, AZ

Jarrett James Huma
Polacca, AZ

Lorencita Martin
Hotevilla, AZ

Sheila Tanya McCabe
Parker, AZ

Jolinda M. Miller
Glendale, AZ

Deborah Norris
Sells, AZ

Janice Nuvayestewa
Polacca, AZ

Christopher Royal Schurz
Scottsdale, AZ

Nicole Gaye Stern
Tucson, AZ

e National Advisory Council on Indian Education
m for Outstanding Alaska Native and American Indian
standing Indian Youth program was an effort of the
Native Youth 2000 Program of the Intra-Departmental
Human Services. Youth 2000 is a nationwide effort
Native community in helping Indian youth achieve
the Indian youth that were nominated as Outstanding

Arizona, continued

Leslie Juel Vann
San Carlos, AZ

Tim D. Wilcox
Winslow, AZ

Donnie Yazzie
Tuba City, AZ

CALIFORNIA

Kee Bathke
Newhall, CA

Wade J. Branstner
Georgetown, CA

Kathryn N. Hendricks
Ione, CA

Cassandra Nordstrand
Stanford, CA

Brenda Villa
Ione, CA

COLORADO

Chantel Sunbird Cloud
Ignacio, CO

Delphine Singer
Cortez, CO

FLORIDA

Rita Gopher
Okeechobee, FL

IDAHO

Chris Osborne Johnny
Ft. Hall, ID

Patrick B. Teton
Blackfoot, ID

MICHIGAN

Matthew M. Fletcher
Wayland, MI

Katherine Cheyenne Holappa
L'Anse, MI

APPENDIX E

OUTSTANDING INDIAN YOUTH PROGRAM

Michigan, continued

Shannon Michele Martin
Hopkins, MI

Marcus J. Robbins
Rochester Hills, MI

MINNESOTA

Dennis Bellefeville
New Hope, MN

NEVADA

Virginia Carrera
Yerington, NV

William Henry Taylor
Owyhee, NV

NEW MEXICO

Tammy Rene Bennalley
Kirtland, NM

Albert S. Bowie
San Juan Pueblo, NM

Melvatha Chee
Crownpoint, NM

Barry Gray
Kirtland, NM

New Mexico, continued

David A. Honaberger
Fairview, NM

Sybil Kannon
Cuba, NM

Paul Kabotie
Albuquerque, NM

Rodney P. (Chuck) Mangum
Espanola, NM

Kenneth T. Romero
Cochiti, NM

Angie Taylor
San Juan Pueblo, NM

Evangeline Tenorio
Albuquerque, NM

NEW YORK

Kerry Jimerson
Versailles, NY

NORTH CAROLINA

James Gabriel Brewington
Pembroke, NC

Julie C. Crain
Pembroke, NC

Lora Gail Cummings
Pembroke, NC

North Carolina, continued

Katina M. Dial
Pembroke, NC

Nora Jean Dial
Winston-Salem, NC

Ladonna Evans
Hollister, NC

Melanie C. Hagans
Lumberton, NC

Gordon R. Hall
Winton, NC

Broderick Brice Locklear
Pembroke, NC

Nanci Locklear
Pembroke, NC

Shelley Denise Lowery
Charlotte, NC

Christopher Richardson
Hollister, NC

Noah Ollin Woods
Pembroke, NC

Kristi Elena Woods
Pembroke, NC

NORTH DAKOTA

Albert Phillip Allick
Belcourt, ND

North Dakota, continued

Jodi L. Archambault
Ft. Yates, ND

Michelle Dauphinais
Belcourt, ND

OHIO

Mardee Janell Dalton
Columbus, OH

OKLAHOMA

Elizabeth Bird
Tahlequah, OK

Valarie A. Bynum
Tulsa, OK

Clarissa L. Cook
Collinsville, OK

Holly Ellis
Shawnee, OK

Geri Gayle Glass
Tahlequah, OK

Lisa L. Johnson
Tahlequah, OK

David Neal Onco
Norman, OK

Niles Bird Runningwater
Clinton, OK

Oklahoma, continued

Sean Hayden Snell
Tahlequah, OK

Dustin T. Steeley
Wagoner, OK

OREGON

Randall Eugene Bennett
Portland, OR

Lynn DeLorme
Portland, OR

Kathryn Garcia
Portland, OR

Malaina Guzman
Portland, OR

Ryan Hartman, Jr.
Portland, OR

Sheila Palmer
Portland, OR

PENNSYLVANIA

Stephen James Johnson
Philadelphia, PA

SOUTH DAKOTA

Gaylene M. Pretty Bird
Rosebud, SD

TEXAS

Erika E. Garcia
Eagle Pass, TX

UTAH

Anthony (Tiggar) Chee Peterman
Salt Lake City, UT

Orlando Benn
Cedar City, UT

VIRGINIA

Cassandra Stewart
Providence Forge, VA

WASHINGTON

Anita Abrego
Bellingham, WA

WYOMING

Michael D. Goggles
Riverton, WY

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

DEC 16 1988

TITLE IV SHOWCASE PROJECTS

1988

OFFICE OF INDIAN EDUCATION PROGRAMS

INTRODUCTION

In 1987, the Office of Indian Education Programs (OIE) launched an initiative to provide a recognition of Title IV showcase projects. This initiative reflected the Department of Education's goal to encourage educational methods and strategies that improve effectiveness. There are many Indian education projects that appear to be working successfully, and the show-case project is one way of identifying those projects.

The following criteria were used in identifying and selecting the showcase projects. The projects were required to demonstrate: 1) measurable objectives, 2) objective data for evaluation purposes, 3) potential to prove effectiveness, 4) degree of cross-cultural or cross-tribal relevance, 5) potential for replication, 6) high degree of parental community involvement, 7) potential for Program Effectiveness Panel submission; and 8) evidence of commitment to prove effectiveness of project.

The following abstracts are provided for the sole purpose of sharing information. They are all at different stages of development as effective projects. For more information, you may contact Dr. Velma Mason at the Office of Indian Education at 202-732-5142, or the Indian Education Resource and Evaluation Center in your respective regional service area. A list of the Centers is provided at the end of the abstracts.

Aaron N Shedd
Aaron N. Shedd
Acting Director
Office of Indian Education

CENTER I REGION

Buffalo Native American Magnet School
TPR Mohawk/Seneca Languages Instruction Program
Buffalo City Schools
712 City Hall
Buffalo, New York 14202
Dr. Lloyd Elm, Principal
(716) 885-4128

BRIEF DESCRIPTION OF THE INTERVENTION

The Buffalo Native American Magnet School provides students with instruction in either Mohawk or Seneca language through use of an adapted Total Physical Response (TPR) approach. Classes are offered in each language during the entire school year. Students in grades 4-8 are given 180 minutes of instruction per week. There is one instructor and one aide in each Mohawk or Seneca classroom. The instructional materials, developed locally over a period of several years, consist of five units with learning objectives specified for each grade level. The five units are categorized by taxonomies such as commands, greetings, household items, phrases and words associated with traditions. In grades K-1, students are expected to understand 50 Seneca words like "sit down", "come here"; by Grades 2-3, they are expected to speak the 50 words and understand 25 additional new words per 10 week period. TPR is predicated on "teaching people to talk". It is different from other instructional approaches that may emphasize literacy in the new language. In TPR, literacy is stressed only after students can first understand, and then speak words. Thus, the classroom procedures are initially physical commands to physical actions. Later students may be asked to respond appropriately to visual representations for words or phrases (e.g., a picture of two people meeting -- what is the right greeting?) At that point, instruction is dependent on previous learning. For example, in grades K-1, students learn individual word forms such as the Mohawk word for "house", in Grades 2-3, students learn to add pronominal endings such as suffixes for "new/old"; then in grade 4, students are able to speak in sentences and phrases like "I live in an old house".

CLAIM OF EFFECTIVENESS

When the training and materials are used properly, students will understand and speak 25 new words/phrases for each ten weeks of instruction.

MEASURE USED

The program uses locally developed unit tests which are given at the conclusion of each unit. These measures "test beyond what the student knows", i.e., the test is the same for all students, but competency or expectation levels are set for each grade level. Students are tested individually or in small groups. Next year, the program will implement formative tests each five weeks. Instructors also have lesson plans that address specific objectives of the program.

RESEARCH DESIGN

Student test scores are assessed each year in terms of individual growth. Student scores, by grade level, are compared against a control group of 30 students who are not part of the program. Student test scores have been statistically significant at the p .05 level.

SIGNIFICANCE JUSTIFICATION

Beyond statistical significance, the Iroquois language TPR program is significant because it adapts TPR to include visual associations that uses physical, auditory and visual learning strategies. Traditional approaches to new language instruction have stressed literacy-instruction which is based on left-brain responses and auditory preferences. This approach stresses whole-brain responses and all sensory preferences. Since most research indicates Indian children are right-brain dominant when first entering school, this approach builds on their strengths while also building on all their sensory potentials.

UNIQUENESS OF PROJECT

The New York State Department of Education recognizes this program as meeting the state requirement for students knowing a language other than English.

School administrators indicate the approach would be useful and cost-effective for teaching any American Indian language in a school situation with a high density of Indian non-native language speakers. The project also verifies research findings that Indian children are wholistic learners. The project has uniquely used an instructional technique (TPR) that is based on the holistic learning concept.

CENTER I REGION

Red Cliff Alcohol and Drug Abuse
Prevention Program and Curriculum
Red Cliff Chippewa Tribe
P.O. Box 529
Bayfield, Wisconsin 54814
Ron Duperry, Project Director
(715) 779-5805

BRIEF DESCRIPTION

The Red Cliff alcohol and drug abuse prevention project is a Part B discretionary grant project designed to develop an exemplary drug and alcohol education curriculum that will reduce the incidence of alcohol and drug usage and change student attitudes that lead to drug experimentation. It provides for (1) training of an implementation team comprised of teachers at various grade levels, parents and other community members, and other school staff, (2) development of a school-specific substance abuse prevention program, and (3) provision of curriculum materials. Three full days of training are provided by trainers which result in the development of implementation plans for individual schools. The plan allows for flexibility and identifies school-specific timelines, and school/community personnel who are responsible for implementation of the programs. It also includes a list of specific dates foreach activity, and a continuation plan beyond use of the model. The curriculum materials, aimed at K-6 grades, cover approximately 60-80 hours of classroom activity (e.g., 2 hours/day x 5 days/week x 6-8 weeks) depending on the implementation plan. There are 76 lesson plans which cover substance abuse education, peer/family relations and building self-esteem.

CLAIM OF EFFECTIVENESS

Upon application of training and curriculum materials, each school will show evidence of an increased gain of knowledge in traditional Indian culture and values by teachers and K-6 students. They will also learn how values apply to decision-making and how that will help prevent drug abuse among the targeted population groups. More specifically, there will be evidence of change in student attitudes regarding peer pressure and improvement in attitude towards school.

MEASURE USED

As part of the training, participants are pre and post-tested for knowledge gained using a Likert-scaled survey instrument. For the January 1988 training session, the average pre-survey score across items was 2.91 or slightly below "Moderate" knowledge (3 points). The average post-test score was 3.79 or close to the "High" (4 points) level of knowledge; the average gain was .88 points for the sample of 40 participant trainees representing 11 schools in 4 states. Similar data are available for other training sessions.

The curriculum also has pre and post tests that is administered at the beginning and end of the implementation phase. Depending on the implementation plan, schools have a choice between that of a long or short version of the test. Student test data are in the process of being analyzed.

RESEARCH DESIGN

The research design calls for a comparative analysis across different schools of the implementation groups. At present, no nontreatment comparisons are anticipated.

SIGNIFICANCE JUSTIFICATION

The trainee and student data will be tested for educational and for statistical significance.

UNIQUENESS OF PROJECT

The uniqueness of the project is derived from the culture-based design of K-6 curriculum for drug and alcohol prevention education and in the involvement of the community and parents in developing strategies for implementation of the program. In addition, its extensive training component requires a commitment to develop site specific implementation plans which disallow use of the curriculum materials prior to proper training in its usage.

CENTER II REGION

Macy Public School District
P.O. Box 68
Macy, Nebraska 68039
John Mangan, Project Director
(402) 837-5622

PROJECT DESCRIPTION

The Macy Public Schools Title IV Part A formula project provides supplementary services to Indian students residing on the Omaha Indian Reservation. The program consists of services that will help students improve academic skills, increase school attendance, develop bicultural skills and establish attitudes that will help prevent drug and alcohol abuse. Approximately 365 Indian students participate in one or more of these components.

WHAT HAS WORKED EFFECTIVELY

The tutorial program and the development of an Omaha language series for elementary students have shown to have worked most successfully in the project. The use of Indian paraprofessionals as counselors and aides in extra-curricular activities helps to improve communications with the students and also provides them with role models. The project has thus been successful in reaching the total targeted population.

WHY IT WORKS

The project has a clear focus, which is to prevent students from dropping out of school. The program is successful because it addresses the total development needs of the student.

HOW THE PROJECT WORKS

The program will benefit the Omaha children by helping them develop a healthy self-concept and encouraging them to stay in school. The school staff work with parents and students with social, emotional and academic problems that interfere with their success in school.

A teacher-tutor is employed to assist students in developing academic skills that will help them master subjects. An incentive award program is operated by the teacher-tutor in order to encourage better grades and attendance. The students accumulate points to earn coupons which can be used at the school store, or at the end of the semester, for larger rewards. The teacher-tutor maintains records on the number of points earned by each student. This approach appears to be successful in motivating students to excel in their academic courses.

To increase cultural awareness, the curriculum coordinator has effectively incorporated Omaha language units into the regular curricula for elementary students. In addition, elders are employed to provide language instruction.

HOW THE PROJECT WILL PROVE ITS EFFECTIVENESS

The project will maintain records on all components of the program. These records include, but are not limited to, attendance records, counseling logs, detention records, test scores and a compilation of cultural objectives acceptable within the curriculum.

WHAT MAKES THE PROJECT UNIQUE

The successful development, implementation and use of bilingual and Native-oriented reading material has made this program unique. The inclusion of Native personnel, including the elders, has been instrumental in opening lines of communications with the total community.

CENTER II REGION

Special School District No. 1
Minneapolis Public Schools
807 N.E. Broadway
Minneapolis, Minnesota 55413-2398
Rosemary Christensen, Director
(612) 627-2143

DESCRIPTION OF PROJECT

The Minneapolis Public Schools (MPS) Title IV Part A, Formula Grant Indian Education Project serves 2,972 Indian children in grades K-12.

The project includes two major components: (1) summer school program for students and parents, and (2) multicultural teachers-on-special-assignment (TOSA) component.

The summer school program provides math and reading intervention classes, Ojibwe language and culture, nutrition and family life classes. The TOSA component provides supplementary services that assist the school principals in implementation of the multicultural curriculum objectives in the District schools.

WHAT WORKS MOST EFFECTIVELY

The summer school component works most effectively. The program includes three summer school teachers and services a target population of 200 American Indian students.

WHY IT WORKS

The summer school program is successful because it provides not only tutorial programs in math and reading, but also Ojibwe language lessons, cultural studies and health classes, nutrition and family life. The school district provides in-kind contributions. Parent and guardians are invited and encouraged to attend summer school with their children.

HOW THE PROJECT WORKS

Children in grades K-6 attend summer school for a total of six weeks.

Student program reports are distributed to the teachers at the beginning of summer school. The teachers make a preliminary assessment of the skill level of each student for each objective defined in the student progress report in the three basic areas of math, reading, and writing. Performance levels at the end of the summer school are compared with the preliminary assessment levels.

Teachers are assigned classes of 15 students. The teachers take daily attendance for each of the students and discuss absences with parents and staff. Parents are encouraged to attend summer school with their children. A training program on Minneapolis Public School policies and procedures is implemented for parents and guardians.

HOW PROJECT WILL PROVE ITS EFFECTIVENESS

All objectives are written in measurable terms. An administrative analyst computes the rate of attendance. Records are kept on parent/guardian conferences. This information is also analyzed in terms of percentages. Student progress in the basic skill areas are measured before and after summer school. The administrative analyst determines the percentage of students with significant post test gains for each specific objective taught in class by subject area and grade level.

A pre and post test measure is designed to assess level of improvement in the Ojibwe language and for parents/guardians who receive training on Minneapolis Public Schools policies and procedures.

WHAT MAKES THE PROJECT UNIQUE

The training and involvement of parents in the summer school program is unique. Parents are provided information regarding school policies and procedures.

Parents are also welcomed and encouraged to become an integral part of the learning process by attending summer school with their children.

The TOSA component is also a unique approach in an effort to gain teacher certification for the multi-cultural studies teachers in order to integrate the Objibwe language and culture into the regular school curriculum in the State.

CENTER III REGION

City Camp Circle
United Indians of All Tribes Foundation
1949 Yale Place East
Seattle, Washington 98199
Shirley Aragon, Project Director
(206) 325-0070

PROJECT DESCRIPTION

The project demonstrates the effectiveness of a new educational support system in lowering the school dropout rate, reducing absenteeism, and improving the academic performance of Indian children in the Seattle metropolitan area. It is the intent of the project to disseminate this system to rural tribes and Indian organizations throughout Washington State by means of a series of training seminars.

The program includes basic academic instruction, cultural education classes, outdoor education activities, and in-school classes using puppets and exercises for younger children. The activities are aimed at modifying behavior patterns that lead to alcohol and drug dependence. The training classes and counseling activities for parents, teachers and older youth are designed to provide alternatives to alcohol and drug use. The project also includes a training program intervention for parents and staff in rural tribal areas. Transportation is provided for children to attend project activities and urban survival skills training. Support assistance is provided for juvenile offenders in counseling intake evaluation for alcohol and drug users, employment assistance and referral to other community resources to enhance the value of the educational experience received by the participants. Parent involvement is considered an essential part of all phases of this project.

WHAT WORKS MOST EFFECTIVELY

Project activities such as alcohol and drug dependence therapy, crisis counseling, emergency assistance, health care and employment referrals are direct services provided to youth that play a critical part in the success of the program. These activities provide a structured service support for students in the Seattle area.

WHY IT WORKS

The project works because it utilizes activities under three interrelated objectives designed to function together. The activities are designed to be sensitive to the need for children and youth to feel important and to develop good feelings about themselves. They provide holistic services that respond to effects from family conflicts, health problems, and lack of opportunities resulting from low family income that discourage optimum school performance of the child.

HOW IT WORKS

The project operates in cooperation with the Seattle School District and is aimed at two different age groups: children in grades one through six and youth in grades seven through 12. Referrals are taken from teachers, school officials, state caseworkers, parents and juvenile authorities. Youth can be attending regular school, enrolled in a GED program, or be out of school as a result of expulsion, arrest, suspension, or truancy.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

Student evaluations, instructor observations and pre and post tests showed that student attitudes against drug and alcohol use were substantially greater after their presentation than before. Counselors and instructors reported a significant decrease in destructive behaviors in most of the participating youth. Several of the students who had dropped out enrolled in GED programs or returned to school, and none of the participants enrolled in school during the project period dropped out or was expelled. Requests for training presentations have increased substantially within the Seattle area and throughout the Pacific Northwest. The program also utilizes the Nowicki-Strickland Test of Locus of Control and the Semantic Differential Rating Scale. Records are maintained to insure that there are no new referrals to juvenile justice authorities resulting from any disciplinary problems involving program participants. At least 80% of youth attending cultural or environmental education classes either remain in school or return to an education program. Additional documentation of the project is still being compiled.

WHAT MAKES THE PROJECT UNIQUE

Indian urban and reservation communities throughout the country have similar problems to those described here. However, no other Indian program is currently using similar behavior modification techniques.

CENTER III REGION

Title IV-A Yup'ik Skills Program
St. Mary's School District
St. Mary's, Alaska
Matt Andrews, Project Director
(907) 438-2311

PROJECT DESCRIPTION

The project servces 112 students in grades K-12 who are nearly all of Yup'ik ethnicity. Yup'ik is traditionally spoken in the home, at public meetings and in school during interim class periods. The goal of the project is to provide students with the most beneficial and profitable education program by preparing Alaskan Native youth to cope with the challenges of a continually changing community and world. The school program includes courses designed to help St. Mary's youth to preserve and maintain their own cultural identity, and to develop skills and knowledge necessary for successfully dealing with other cultures and people, hence bicultural survivial skills.

WHAT WORKS MOST EFFECTIVELY

The Yup'ik Skills Program works most effectively because it is designed to help students develop knowledge and appreciation of their own cultural heritage and provide them with an opportunity to participate in activities from which they can practice skills needed to preserve the Yup'ik life style. The program consists of instruction by the Native people from St. Mary's community in art, music, dance, sewing, carving, survival skill, and native lifestyles, including knowledge about traditional subsistence. An effort is made to teach Yup'ik values and traditions in the regular academic programs. Alaskan Studies, a course which covers the history and development of contemporary Alaska Native issues, is required by all senior high school students. A specific part of this program is an in-depth treatment of the Alaska Native Claims Settlement Act.

St. Mary's adopted the program in order to foster and stimulate community involvement in preserving their native culture in order to help their children enhance their identity as Yup'ik people.

The participating students will have a better understanding of their cultural heritage. They have refined and acquired new skills which will help them to function more effectively in a bicultural milieu.

WHY IT WORKS

The structure of the curriculum is continuous throughout all K-12 grades. Because it is a cultural program, the hiring of instructors from the community has helped bring a considerable amount of parent involvement into the program. The curriculum was prepared with the assistance of the Native Education Committee and elders from the community to reflect the values, lifestyle and language of various cultures. It emphasizes the concept of pluralism which includes respect for knowledge and acceptance of cultural differences and is guided by an intimate knowledge and understanding of the various cultures represented by the student population. Finally, it stresses the development of a positive student self-identity.

HOW IT WORKS

Students are consistently exposed to cultural classes throughout the school year. The length of the time spent by the students pursuing mastery of these skills vary by grade level. For example; grade 1-4 spend up to thirty minutes, three times a week and grades 5-12 spend up to 45 minutes three times a week.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

The program is reviewed by the Native Education Committee. Recommendations are given to the Program Director by the Native Education if needed. The Native Education Committee, Programs Director and the staff are all involved in the evaluation of the performance and completion of the project objectives. Students have demonstrated a mastery of 75% of the skills taught to them during the year. Mastery is defined as active participation by the student with reasonable effort exerted to complete the assigned task. The student display their work at the elementary school. Student's parents and community members are also interviewed for evaluation of the experience shared by the students.

WHAT MAKES THE PROJECT UNIQUE

The project is unique because it focuses on a curriculum that provides a structure for learning bicultural survival skills. The culture component in other projects have little or no structure. The curriculum used for, and developed by St. Mary's School District is structured, simple, and encompasses all grades which provides for consistency and comprehensiveness of the cultural skills needed by the community to survive in the ever transcending cultures.

CENTER IV REGION

Indian Homework Centers Project
Davis County Indian Parent Association
2175 South 1000 West
Syracuse, Utah 84041
Bruce G. Parry, Project Director
(801) 451-1117

PROJECT DESCRIPTION

The Homework Centers Project is a Part B discretionary project which provides individualized tutoring services to Indian students in the Davis County School District. The project is designed to provide one-on-one special help in reading, mathematics, and other subject areas according to student needs. The project provides tutors who are sensitive to the difference in cultural learning styles of the Indian students.

WHAT WORKS MOST EFFECTIVELY

The most effective component of the project is the structured operation of the homework centers which are set up after school hours in public school libraries. The libraries provide a natural setting for study sessions. Use of the library facility provides access to resource materials which saves purchasing and rental expenses for the project. This allows the majority of the funds to be spent on tutoring services. The most critical element is its extensive parental involvement obtained and fostered by the Parent Association.

WHY IT WORKS

The homework centers work because: (1) the centers are easily accessible to the participating Indian students; (2) the tutoring and academic assistance are designed around the individualized need of each student; (3) the tracking and monitoring systems are individualized; (4) the follow-up procedures used with each student are thorough; and (5) the tutors are well-trained in the areas of basic academic skill methods, cultural heritage, and positive reinforcement techniques.

HOW IT WORKS

During the first two weeks of school, the tutors and tutor supervisors receive training in academic learning styles, instructional methods, awareness of Indian cultural heritage, and positive reinforcement techniques. Subsequently, participants are identified, their records and test scores are reviewed. A letter is sent home to parents informing them of the project and inviting students to attend the homework centers.

The tutors and supervisors visit each school to inform principals, counselors, and teachers of the services provided through the homework centers, and to personally invite each Indian student to attend. When the student signs in at the homework center, the tutor with the student sets goals for the work session. Homework accomplishments are recordedp and previous assignments are evaluated in all subsequent sessions.

Concurrently, the tutor and/or supervisors check with teachers and counselors on the progress of the Indian students who are served by the homework centers. Weekly and monthly reports are given to the tutor supervisors. Student evaluations are an on-going process.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

The data has shown gains in the overall student grade point average as well as an increase in the G.P.A. in specific subject areas tutored. Increased self-esteem has been observed by the students' teachers. The students are also arriving in class with their homework completed. Participation in class discussions has also become a noticeable improvement, and student-teacher relationships have improved. The students themselves report gains in self-confidence and self-respect.

WHAT MAKES THE PROJECT UNIQUE

The project is unique in that it brings together the parents of Indian students and the public school system in a unified project that provides significant help to American Indian students in the Davis County area.

The homework centers are a product of many interests working together to deliver services in a cost-effective manner. The services are designed to meet the individualized academic needs of each American Indian student and managed by a well structured record keeping system.

CENTER IV REGION

Career Awareness/Drop-out Retrieval Program
Phoenix Indian Center, Inc.
1337 North One Street
Phoenix, Arizona 85004
Deborah L. Cayedito, Project Director
(602) 256-2000

PROJECT DESCRIPTION

The Phoenix Indian Center Career Awareness/Drop-out Retrieval Program, funded by a Part B Educational Services for Indian Children grant, provides services to 7th thru 12th grade American Indian public school students representing numerous tribes in an urban setting. The major goals of the program are to help students realize the importance of an education, to encourage them to stay in or return to school, and to start exploration of and planning toward a specific career. The project's design draws upon the experience-based knowledge of the Phoenix Indian Center Youth Program staff in interpreting the results from the needs assessment.

WHAT HAS WORKED EFFECTIVELY

The Career Awareness Component, particularly the World of Work and the Job Shadowing activities, is the most effective element of the project. For example, during the World of Work, video taping of students conducting job interviews and delivering speeches about themselves has worked very effectively. The tapes clearly demonstrate that the students not only learn about job interviewing and speaking, but also become more confident in the process. Another activity that has worked well is the development of student resumes on computers. Not only are students learning what goes into an effective resume, but they are also learning skills in word processing.

WHY IT WORKS

The project works primarily because of its successful networking and cooperative efforts between the project staff, local school district personnel, community services, and local community colleges and businesses. Through a cooperative effort of using a variety of innovative teaching methods and techniques, such as the use of video taping and computers, students have become increasingly motivated and more fully involved in the project. The activities are taken more seriously and students get more value out of their participation. Project leadership is open and cooperative in nature. The external evaluator meets regularly with the total project staff to provide an on-going formative evaluation. The evaluator will document the final project results.

HOW IT WORKS

The World of Work activity provides students with two weeks of intensive study at a community college during the summer months. This study addresses issues such as employer expectations, the labor market, and job search methods and retention skills. Upon successful completion, each student receives one hour of college credit. Students are placed for two to four weeks in a work situation called Job Shadowing where the employer serves as a mentor. The World of Work and Job Shadowing are integral parts of the program. Students learn about careers by interacting with speakers, going on field trips, and attending leadership and technical institutes.

EVIDENCE OF EFFECTIVENESS

Long term evidence of effectiveness will be based on the extent to which students receiving the education needed to be successful in their career choices. Another determinant of effectiveness will be the extent to which absenteeism and dropout rates are reduced. Immediate effectiveness is determined by a successful completion of each activity in the project. Students are encouraged to meet with their counselors to decide on appropriate courses to prepare them for their career choices/interests.

Various types of data are collected and analyzed. Locally produced instruments and forms are used to collect data during each career awareness activity. Evaluations from students, staff and the employers during Job Shadowing are used. In the World of Work, video taping of the job interviews and resumes are critiqued by students and staff with feedback given to each student.

WHAT MAKES THE PROJECT UNIQUE

The project is administered by an Indian organization which has developed an effective working relationship with public schools, parents, public agencies, and private industry. The project is also unique because it provides a long-term ongoing quality career awareness project to American Indian students living in an urban area.

CENTER V REGION

Title IV-A Indian Education
Oklahoma City Public Schools
900 North Klein
Oklahoma City, Oklahoma 73106
Carole Willis, Project Director
(405) 272-5500

DESCRIPTION OF PROJECT

The project provides tutoring services in reading and math, financial assistance for student support, counseling services which include home-school liaison activities that address absenteeism, drop-out problems, negative student self image, and career awareness. In addition, the project provides a cultural awareness program that includes a cultural experience component.

The project serves 1,842 students in K-12 and has established a successful computer-based data system in its managerial procedures. The system serves as a daily tracking mechanism of student progress and identifies specific tutoring and counseling needs as they arise.

WHAT WORKS MOST EFFECTIVELY

All components work effectively. However, the tutoring component and part of the counseling activities have tested most objectively and proven to show some significant results as measured by the Metropolitian Achievement Test, Behavorial Adjustment Record, and a Self-Image test.

HOW IT WORKS

Students are given long-term academic tutoring in reading and math. Students scoring below the 25th percentile on the reading and math achievement tests administered in the spring of the 1986, are identified as demonstrating a need for the program. Students are tutored by program staff and/or referred to other programs to meet specific needs. Tutoring activities are coordinated with the classroom teachers. Students with counseling needs based on pre-test measures are provided with supplementary counseling sessions. Some referrals are made for students with specific needs and home-school liason coordinator work with parents in addressing the problems of individual students.

WHY IT WORKS

The project works because it has a successfully established procedure for tracking students. Program staff identify "at risk" students on a project mode instrument. The staff is given quarterly update of students. The staff interact with students and submit forms reporting the interactions to the program coordinator and research staff. The project has shown a decline in the dropout rate from 6.5% in 1986-87 to 3.6% in 1987-88.

The Metropolitan Achievement Test was used to pretest in the spring of 1987 and post test in the spring of 1988. Since the MAT is a norm-referenced test, a positive gain score indicates that Title IV students have achieved at a faster pace than the norm referenced group.

HOW PROGRAM WILL OR HAS PROVEN ITS EFFECTIVENESS

The results indicate that 56% of all students receiving long-term tutoring in reading had NCE (N Curve Equivalent) gains greater than 0. In math 58.1% of all students receiving long-term tutoring had NCE gains greater than 0. The goal of the academic component of the Indian Education was that the majority of the students served would demonstrate growth in achievement that would exceed their norm referenced group. Student scores plotted by graph indicated a continuous upward climb. When the use of the CAT was changed to MAT, there was a definite decline as were all district children. All students are again on an upward swing.

WHAT MAKES THE PROJECT UNIQUE

The project is considered to be unique in several ways. Oklahoma has the second largest Indian population in the United States, with approximately 80 tribes represented in the school system. Use of the computer has provided a unique method for gaining easy access to student data base records which has allowed for an effective way to manage and track student needs and progress. A program handbook and brochure are distributed to staff and parents so everyone is closely informed about the progress of the project. The director works closely with the planning, research and evaluation staff. There is also an excellent network system with district, city, county, state, federal and tribal governments, as well as an excellent support of district parents who coordinate with the community.

CENTER V REGION

Indian Pupil Education
Tulsa Independent School District
2703 North Yorktown Place
Tulsa, Oklahoma 74110
Archie Mason, Jr., Director
(918) 428-9215

PROJECT DESCRIPTION

Funded as a Part A Formula project, the Indian Pupil Education program provides services to 2,569 Indian students from 53 different tribes who are enrolled in the district's 57 elementary, ten middle and nine high schools, as well as seven alternative school program sites. The project is composed of a cultural component and a counseling component with activities that focus on a goal to improve, maintain, and reward positive attitudes of Indian students toward themselves, their school and their peers.

WHAT WORKS MOST EFFECTIVELY

The high retention rate of qualified and experienced staff and their commitment to serving Indian students is what makes this program work most effectively. All staff have a minimum of eight years experience in serving the Indian students enrolled in the Tulsa Pubic Schools. The counselors and paraprofessionals are provided staff development opportunities to enhance their skills in serving Indian students.

WHY IT WORKS

The Tulsa Public Schools' Board of Education, superintendent, administrators, principals, teachers and support personnel recognize and show support for the Indian Pupil Education program's efforts to provide optimum services to the Indian students. School district personnel are sensitized to the special needs of the Indian students. This is evident in the coordination that exists between school personnel and the project staff in assisting Indian students with their academic and individual development needs. Over the past 15 years, the Indian Pupil Education program has built a network of services and resources for Indian students and their families by working with Indian and non-Indian community agencies.

HOW IT WORKS

Paraprofessional tutors travel to nine targeted elementary sites which are identified as having a high enrollment of Indian students. Approximately 500 students participate in activities which provide lessons on specific tribal culture and incorporate academic skills in math, reading and history and geography.

A comprehensive counseling component serves all eligible Indian students enrolled in the school district. Counseling services are provided by two certified secondary and three elementary school counselors. The counselors travel to all school sites in the district. Counseling activities focus on individual development and group sessions that will help reduce negative student behavior such as drug abuse, low attendance, school drop-out and teen pregnancy.

HOW THE PROJECT HAS OR WILL PROVE ITS EFFECTIVENESS

Since its beginning in 1973, the project staff and the federal projects officer have kept thorough records of student attendance, grades, standardized test scores, the number of students who have graduated, and the number and types of counseling services received. Effectiveness of the project is suggested by the larger number of recent Indian student graduates (130) from nine Tulsa high schools as compared to only 68 Indian students who graduated from ten Tulsa high schools in 1973.

WHAT MAKES THE PROJECT UNIQUE

The project is unique in that it is able to provide counseling and academic services to a very large, diversified, and mobile group of students representing over 53 tribes and living in an urban setting.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY
FOR ELEMENTARY AND SECONDARY EDUCATION

Title IV

Resource and Evaluation Center Directory

Center	Address	Phone	Region	States Served
I:	Gwen Shunatona, Director Indian Education Resource Center I ORBIS - Suite, 200 1411 K Street, N.W. Washington, D.C. 20005	202-628-4444 Toll Free 1-800-621-2998	Eastern	AL, CT, FL, IL, IN, KY, ME, MD, MI, WI, MS, NC, OH, PA, RI, SC, TN, VT, WV, GA, VA, and DC
II:	Phil Baird, Director Indian Education Resource Center II United Tribes Technical College 3315 S. University Drive Bismarck, N.D. 58504	701-258-0437 Toll Free (In State) 1-800-932-8997 (Out of State) 1-800-437-8054	N. Plain	IA, MN, MT, NE, ND, SD, and WY.
III:	Raymond Reyes, Director Indian Education Resource Center III School of Education Gonzaga University Spokane, WA 99528	509-328-4220 ext. 2811 Toll Free 1-800-533-2554	Northwest	AK, ID, OR and WA
IV:	Shirley Hendricks, Director Indian Education Resource Center IV NITRC, 2121 South Mill Avenue, Suite 204 Tempe, Arizona 85282	602-967-9428 Toll Free (IN State) 1-800-352-6498 (Out of State) 1-800-528-6425	Southwest	AZ, CA, CO, HI, NM, NV, and UT
V:	Stuart Tonemah, Director Indian Education Resource Center V AIRD, Inc.-Suite 200 2424 Springer Drive Norman, Oklahoma 73069	405-364-0656 Toll Free 1-800-422-0966 (Out of State) 1-800-451-2191	S. Plains	AR, KS, LA, MO, OK and TX

TITLE V—INDIAN EDUCATION

PART A—BUREAU AND CONTRACT SCHOOLS

Indian
Education
Amendments o
1988.
25 USC 2001
note.

SEC. 5101. SHORT TITLE.

This part may be cited as the "Indian Education Amendments of 1988".

SEC. 5102. PROHIBITION ON TRANSFERS OF BUREAU AND CONTRACT SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by adding at the end of subsection (g) the following new paragraph:

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987, or

"(B) any program of such a school that is operated on or after April 1, 1987,

only if the tribal governing body approves such action.",

(2) by striking "Such standards and procedures shall require that whenever" in subsection (g)(3) and inserting in lieu thereof "Whenever",

(3) by inserting "transfer to any other authority," after "close," and after "closure," each place either term appears in paragraphs (3) and (4) of subsection (g), and

(4) by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.".

SEC. 5103. REPORT ON TEMPORARY ACTIONS TAKEN FOR A YEAR.

Section 1125 of the Education Amendments of 1978 (25 U.S.C. 2005) is amended—

(1) by redesignating subsection (d) as subsection (e),

(2) by inserting after subsection (c) the following new subsection:

Public health and safety.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

Regulations.

Federal Register, publication.

"(B) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall conduct a review of the guidelines used by the Bureau in determining whether plant conditions at a Bureau school constitute an immediate hazard to health and safety. By no later than June 30, 1989, the Secretary shall publish in the Federal Register the final form of regulations which shall be used by health and safety officers of the Bureau in making such determinations.

"(C)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form the regulations required under subparagraph (B) before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

Reports.

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.".

SEC. 5104. ELIGIBILITY AND EXPANSION OF BUREAU FUNDED SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by striking out "Indian controlled contract schools (hereinafter referred to as 'contract schools')" in subsection (a) and inserting in lieu thereof "contract schools", and

(2) by adding at the end thereof the following new subsection:

"(k)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that has not previously received funds from the Bureau,

"(ii) applications from any tribe or Bureau school board for—

"(I) a school which has not previously been operated or funded by the Bureau, or

"(II) the expansion of any program currently funded by the Bureau which would increase the amount of funds received by the Indian tribe or school board under section 1128.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau operated program, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

Effective date.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6)(A) Any application for expansion of the grade levels offered by a tribally controlled school which has been submitted to the Secretary prior to the date of enactment of this Act shall be reviewed under the regulations and guidelines in effect on the date on which such application was submitted, unless the applicant elects to have the provisions of this subsection apply to the review of such application.

"(B) Notwithstanding any other provision of law, if the school board of the Bureau funded schools at the Pueblo of Zia and the Tama Settlement vote within the 2-year period beginning on the date of enactment of the Indian Education Amendments of 1988 to expand each of the schools to include kindergarten through grade 8, the schools shall be so expanded at the beginning of the next school year occurring after the vote.".

SEC. 5105. DORMITORY CRITERIA.

Section 1122 of the Education Amendments of 1978 (25 U.S.C. 2002) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(b) may be waived under section 1121(d).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By no later than May 1, 1989, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.". Reports.

SEC. 5106. REGULATIONS.

Section 1123 of the Education Amendments of 1978 (25 U.S.C. 2003) is amended to read as follows:

"REGULATIONS

"SEC. 1123. (a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

Federal Register, publication.

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

Federal Register, publication.

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.".

SEC. 5107. FORMULA MODIFICATIONS.

(a) IN GENERAL.—

(1) Paragraph (1) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)) is amended to read as follows:

"(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an average daily attendance of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.".

(2) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new paragraphs:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 5324 of the Indian Education Amendments of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 5324(c)(6)(B) of the Indian Education Act of 1988, or "(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(5) For each of the fiscal years 1989 and 1990, the Secretary shall adjust the formula established under subsection (a) to provide funding to schools operated by Indian tribes that are treated under State law as political subdivisions of the State in an amount sufficient to enable the schools to meet standards imposed by the State.".

(b) STUDY.— 20 USC 1411 note

(1) The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall conduct a study to determine—

(A) the number of children who—

(i) are 3 or 4 years of age,

(ii) are eligible for services provided by the Bureau of Indian Affairs of the Department of the Interior, and

(iii) are handicapped children (within the meaning of section 602(1) of the Education of the Handicapped Act (20 U.S.C. 401(1))),

(B) the geographic disbursement of such children,

(C) the number of such children who the Comptroller General estimates will receive services under the pre-school set-aside program under Public Law 99-457,

(D) the sufficiency of the pre-school services described in subparagraph (C),

(E) the unmet needs of such children,

(F) the number of such children who the Comptroller General estimates will attend education programs (schools or residential programs) funded by the Bureau, and

(G) the information described in subparagraphs (B), (C), (D), and (E) with respect to the children described in subparagraph (F).

(2) By no later than the date that is 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the study conducted under paragraph (1). Reports.

SEC. 5108. ADMINISTRATIVE COST.

(a) IN GENERAL.—The Education Amendments of 1978 (25 U.S.C. 2008) is amended by inserting after section 1128 (25 U.S.C. 2008) the following new section:

"ADMINISTRATIVE COST GRANTS

"SEC. 1128A. (a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to— 25 USC 2008a

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to each of the direct cost education programs operated by the tribe or tribal organization for which funds are received from or through the Bureau.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base.

The administrative cost percentage rate shall be determined to the one hundredth of a decimal point.

"(d)(1)(A) Funds received by a contract school as grants under this section for tribal elementary or secondary educational programs may be combined by the contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means $600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and "(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

Reports.

"(4) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(5) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(6) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

Appropriation authorization.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) one-third of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-third of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) one-half of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-half of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).".

(b) SCHOOL BOARD TRAINING.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (20 U.S.C. 2008(c)(3)) is amended to read as follows:

25 USC 2008.

"(3)(A) The Secretary shall reserve for national school board training 0.133 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1986. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

Contracts.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $4,000, or

"(ii) 2 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.".

(c) PERCENTAGE OF FUNDS NOT SUBJECT TO FISCAL YEAR LIMITATION.—Section 1128 of the Education Amendments of 1978 (20 U.S.C. 2008) is amended by adding at the end thereof the following new subsection:

25 USC 2008.

"(h) At the election of the local school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation.".

SEC. 5109. LOCAL PROCUREMENT.

Paragraph (4) of section 1129(a) of the Education Amendments of 1978 (25 U.S.C. 2009) is amended to read as follows:

"(4) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $25,000 of the amount allotted the school under section 1128 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed $10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.".

SEC. 5110. COORDINATED PROGRAMS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end thereof the following new subsection:

Contracts.

"(f)(1) From funds allotted to a school under section 1128, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(j)) whose children are served by a program operated by the Bureau, implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves education programs operated by the Bureau. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.".

SEC. 5111. CONSULTATION.

Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010) is amended—

(1) by striking out "Bureau" the first time it appears and inserting in lieu thereof "the Secretary and the Bureau",

(2) by striking out "It shall" and inserting in lieu thereof "(a) It shall", and

(3) by adding at the end thereof the following new subsection:

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented during the discussions, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.".

SEC. 5112. INDIAN EMPLOYMENT PREFERENCE.

(a) APPLICANTS.—Subsection (f)(1) of section 1131 of the Education Amendments of 1978 (25 U.S.C. 2011) is amended by striking out "an employee" and inserting in lieu thereof "an applicant or employee"

(b) PROVIDERS OF SUPPORT SERVICES.—

(1) Subparagraph (A) of section 1131(n)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(n)(1)(A)) is amended—

(A) by striking out "or" at the end of clause (ii), and

(B) by adding at the end thereof the following new clause:

"(iv) support services at, or associated with, the site of the school; or".

(2) The amendments made by paragraph (1) shall apply with respect to an individual who is employed by the Bureau of Indian Affairs of the Department of the Interior on the date of enactment of this Act only if such individual elects, in such form and at such time as the Secretary of the Interior may prescribe, the application of such amendments with respect to such individual. 25 USC 2011 note.

SEC. 5113. PERSONNEL COMPENSATION, RECRUITMENT, AND RETENTION STUDIES.

25 USC 2011 note.

(a) IN GENERAL.—The Secretary shall conduct such studies and gather such information as may be necessary to prepare a report that the Secretary shall submit to the Congress by no later than the date that is 6 months after the date of enactment of this Act. The report shall compare personnel compensation in Bureau funded schools with— Reports.

(1) nearest public schools that—

(A) have successful educational programs, and

(B) are comparable in size, geographic location, grade levels, and student population characteristics to Bureau funded schools, and

(2) schools operated within the United States by the Department of Defense.

(b) INCLUSIONS.—The report required under subsection (a) shall include—

(1) detailed information on the current salaries and personnel benefits for comparable positions in the Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(2) a comparison of starting salaries, tenure, length of service, educational and certification requirements, length of work year and work day, and fringe benefits between Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(3) a projection of the compensation factors described in paragraphs (1) and (2) for Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a) over the next five years, and

(4) such additional information and analysis as the Secretary deems appropriate.

(c) FUNDING AND STAFF.—

(1) The cost of the studies and the report required under subsection (a) (including, but not limited to, costs for all con-

tracts, travel, and staff assigned to the study) shall be paid from amounts appropriated to the Bureau's Management and Administration subactivity of the General Administration activity, except that the salaries and personnel benefits of employees detailed to the study from the Office of Indian Education of the Bureau may continue to be charged to the amounts appropriated to the Bureau's Education account.

(2) If the Secretary does not conduct the studies required under subsection (a) by contract, the staff detailed to work on the studies and report required under subsection (a) shall include not less than two career employees from the Office of Indian Education of the Bureau who have substantial experience in the administration (at the level of an agency office) of school operations and in the drafting of personnel regulations, including but not limited to those under this Act.

(d) CONTRACTS.—The Secretary may conduct part or all of the studies required under subsection (a) through contracts entered into with one or more Indian education organizations.

(e) ADDITIONAL STUDIES.—The Secretary shall conduct such other studies of personnel compensation and recruitment in Bureau funded and public schools as are desirable in carrying out the purposes of title 11 of the Education Amendments of 1978.

(f) DEFINITIONS.—For purposes of this section—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

SEC. 5114. REGULAR COMPENSATION OF BUREAU EDUCATORS; NONVOLUNTARY FURLOUGHS.

(a) COMPENSATION.—Paragraph (1) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) by inserting "or on the basis of the Federal Wage System schedule in effect for the locality" after "is applicable",

(2) by striking out "The Secretary shall" and inserting in lieu thereof "(A) Except as otherwise provided in this section, the Secretary shall", and

(3) by adding at the end thereof the following new subparagraphs:

"(B) By no later than the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988, the Secretary shall establish, for contracts for the 1991-1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than the close of the 6-month period described in subparagraph (B), the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989-1990 academic year, at rates which reflect one-third of the changes in the rates applicable to such positions on the date of enactment of the Indian Education Amendments of 1988 that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991-1992 academic year, and

"(ii) for contracts for the 1990-1991 academic year, at rates which reflect two-thirds of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day.

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made.

President of U.S.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.".

(b) FURLOUGHS.—Section 1131 of the Education Amendments of 1978 (20 U.S.C. 2011) is amended by adding at the end thereof the following new subsection:

"(p)(1) No educator whose basic compensation is paid from funds allocated under section 1128 may be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to a shortage of funds, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.".

SEC. 5115. POST DIFFERENTIALS.

Paragraph (3) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(3)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(A) The Secretary", and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide one or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

Reports.

"(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.".

SEC. 5116. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

Title XI of the Education Amendments of 1978 is amended—

(1) by striking out part C, and

(2) by adding at the end of part B the following new section: 20 USC 241aa note, 241bb-1.

"EARLY CHILDHOOD DEVELOPMENT PROGRAM

"SEC. 1141. (a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia. Grants. 25 USC 2022a.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only one tribe that has less than 500 members, or

"(ii) by one or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

Appropriation authorization.

"(f) There are authorized to be appropriated for fiscal year 1989, and for each succeeding fiscal year, $15,000,000 for the purpose of carrying out the provisions of this section.".

SEC. 5117. DEFINITIONS.

Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;",

(2) by redesignating paragraphs (4) through (10) as paragraphs (6) through (12), respectively, and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d);".

SEC. 5118. SEQUESTRATION ORDERS.

Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended by adding at the end thereof the following new paragraph:

"(5) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1128 for any fiscal year by more than 7 percent of the amount of funds available for allotment under section 1128 during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and "(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1128, and

"(B) the Secretary may waive the application of the provisions of section 1121(g) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1128 for such fiscal year.".

SEC. 5119. TRIBAL DEPARTMENTS OF EDUCATION. Grants.

Part B of title XI of the Education Amendments of 1978 is amended by adding at the end thereof the following new section:

"TRIBAL DEPARTMENTS OF EDUCATION

"Sec. 1142. (a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe. 25 USC 2022b.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 104(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

Appropriation authorization.

"(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.".

SEC. 5120. SCHOOL BOUNDARIES.

Subsection (b) of section 1124 of the Education Amendments of 1978 (25 U.S.C. 2004(b)) is amended—

(1) by striking out "On or after" and inserting in lieu thereof "(1) Except as provided in paragraph (2), on or after", and

(2) by adding at the end thereof the following new paragraph:

"(2) In any case where there is more than one Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.".

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PART B—TRIBALLY CONTROLLED SCHOOL GRANTS

Tribally Controlled Schools Act of 1988.
25 USC 2501 note.

SEC. 5201. SHORT TITLE.

This part may be cited as the "Tribally Controlled Schools Act of 1988".

SEC. 5202. FINDINGS.

25 USC 2501.

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(6) true local control requires the least possible Federal interference; and

(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

SEC. 5203. DECLARATION OF POLICY.

25 USC 2502.

(a) RECOGNITION.—The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) COMMITMENT.—The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

(c) NATIONAL GOAL.—The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) Educational Needs.—The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

(e) Federal Relations.—The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) Termination.—The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

25 USC 2503. **SEC. 5204. GRANTS AUTHORIZED.**

(a) In General.—

(1) The Secretary shall provide grants to Indian tribes, and tribal organizations, that—

(A) operate tribally controlled schools which are eligible for assistance under this part, and

(B) submit to the Secretary applications for such grants.

(2) Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is provided.

(3)(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education-related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including but not limited to, expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes, and

(ii) support services for the school, including transportation.

(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operation and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

(C) If funds allocated to a tribally controlled school under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Education of the Handicapped Act, or any Federal education law other than title XI of the Education Amendments of 1978 are included in a grant provided under this part, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

(b) Limitations.—

(1) No more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

(2) Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

(3) Funds provided under any grant made under this part may not be expended for administrative costs (as defined under section 1128A(e)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128A of such Act.

(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

(1) In the case of a grantee which operates schools at more than one schoolsite, the grantee may expend no more than the lesser of—

(A) 10 percent of the funds allocated for a schoolsite under section 1128 of the Education Amendments of 1978, or

(B) $400,000 of such funds,

at any other schoolsite.

(2) For purposes of this subsection, the term "schoolsite" means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract with, the Bureau for which a discreet student count is identified under the funding formula established under section 1128 of the Education Amendments of 1978.

(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

(1) to require a tribe or tribal organization to apply for or accept, or

(2) to allow any person to coerce any tribe or tribal organization into applying for, or accepting,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications, and the timing of such applications, shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided. Voluntarism.

(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(f) RETROCESSION.—Whenever an Indian tribe requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days after the date on which the tribe requests the retrocession, or such later date as may be mutually agreed upon by the Secretary and the tribe. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

(g) NO TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this Act may not be terminated, modified, suspended, or reduced only for the convenience of the administering agency.

SEC. 5205. COMPOSITION OF GRANTS.

25 USC 2504.

(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

(1) the total amount of funds allocated for such fiscal year under sections 1128 and 1128A of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part that are operated by such Indian tribe or tribal organization, including, but not limited to, funds

provided under such sections, or under any other provision of law, for transportation costs,

(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and other facilities accounts for such schools for such fiscal year under section 1126(d) of the Education Amendments of 1978 or under any other law, and

(3) the total amount of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are allocated to such schools for such fiscal year.

(b) SPECIAL RULES.—

(1) In the allocation of funds under sections 1128, 1128A, and 1126(d) of the Education Amendments of 1978, tribally controlled schools for which grants are provided under this part shall be treated as contract schools.

(2) In the allocation of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are distributed through the Bureau, tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools.

(3)(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

(i) title I of the Elementary and Secondary Education Act of 1965,

(ii) the Education of the Handicapped Act, or

(iii) any Federal education law other than title XI of the Education Amendments of 1978.

(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).

25 USC 2505.

SEC. 5206. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—

(1) A tribally controlled school is eligible for assistance under this part if the school—

(A) was, on the date of enactment of this Act, a school which received funds under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.),

(B) was a school operated (as either an elementary or secondary school or a combined program) by the Bureau and has met the requirements of subsection (b),

(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c), or

(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

(2) Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of this Act shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

(b) ADDITIONAL REQUIREMENTS FOR BUREAU SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

(1) Any school that was operated as a Bureau school on the date of enactment of this Act, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) make a determination of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

(i) if the school is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization, and

(ii) whether the school is eligible for assistance under this part.

(B) In considering applications submitted under paragraph (1)(A), the Secretary—

(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) shall determine that the school is eligible for assistance under this part,

unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

(i) equipment,

(ii) bookkeeping and accounting procedures,

(iii) substantive knowledge of operating the school,

(iv) adequately trained personnel, or

(v) any other necessary components in the operation of the school.

(c) ADDITIONAL REQUIREMENTS FOR SCHOOLS THAT HAVE NOT RECEIVED BUREAU FUNDS.—

(1) A school for which the Bureau has not provided funds meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

(i) with respect to the applicant's proposal—

(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

(II) geographic and demographic factors in the affected areas;

(III) adequacy of applicant's program plans;

(IV) geographic proximity of comparable public education; and

(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

(ii) with respect to all education services already available—

(I) geographic and demographic factors in the affected areas;

(II) adequacy and comparability of programs already available;

(III) consistency of available programs with tribal education codes or tribal legislation to education; and

(IV) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or an earlier date, at the Secretary's discretion.

(d) APPLICATIONS AND REPORTS.—

(1) All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the agency or area education officer designated by the Director of the Office of Indian Education of the Department of Education. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment is submitted to the Secretary.

(2) Any application that is submitted under this part shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided in subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning with the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

(f) DENIAL OF APPLICATIONS.—

(1) Whenever the Secretary declines to provide a grant under this part, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

(A) state the objections in writing to the tribe or tribal organization within the allotted time,

(B) provide assistance to the tribe or tribal organization to overcome all stated objections,

(C) provide the tribe or tribal organization a hearing, under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act, and

(D) provide an opportunity to appeal the objection raised.

(2) The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to the Congress the budget under section 1105 of title 31, United States Code.

SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

25 USC 2506.

(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

(b) ANNUAL REPORTS.—Each recipient of a grant provided under this part shall submit to the Secretary and to the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school an annual report that shall be limited to—

(1) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

(2) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

(3) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

(4) a program evaluation conducted by an impartial entity, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

(c) REVOCATION OF ELIGIBILITY.—

(1)(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school, and

(ii) at least one of the following subclauses applies with respect to the school:

(I) The school is certified or accredited by a State or regional accrediting association as determined by the Secretary of Education, or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

(IV) The school accepts the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

(V) A positive evaluation of the school is conducted once every 3 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act prior to the date of enactment of this Act, such evaluation to be conducted by an impartial evaluator agreed to by the Secretary and the grantee. Upon failure to agree on such an evaluator, the governing body of the tribe shall choose the evaluator or perform the evaluation.

(B) The choice of standards employed for purposes of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

(2) The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A), until the Secretary—

(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school which states—

(i) the specific deficiencies that led to the revocation or resumption determination, and

(ii) the actions that are needed to remedy such deficiencies, and

(B) affords such authority an opportunity to effect any remedial actions.

The Secretary shall provide such technical assistance as is necessary to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

25 USC 2507.

(a) PAYMENTS.—

(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in two payments:

(A) one payment to be made no later than October 1 of each fiscal year in an amount equal to one-half the amount paid during the preceding fiscal year to the grantee or a contractor that has elected to have the provisions of this part apply, and

(B) the second payment consisting of the remainder to which the grantee or contractor is entitled for the fiscal year to be made by no later than January 1 of the fiscal year.

(2) For any school for which no payment was made under this part in the preceding fiscal year, full payment of the amount computed for each fiscal year shall be made by January 1 of the fiscal year.

(b) INVESTMENT OF FUNDS.—

(1) Notwithstanding any other provision of law, any interest or investment income that accrues on any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law.

(2) Funds provided under this part may be—

(A) invested by the Indian tribe or tribal organization only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(B) deposited only into accounts that are insured by an agency or instrumentality of the United States.

(c) Recoveries.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

25 USC 2508.

SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) Certain Provisions To Apply To Grants.—All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c, et seq.) except those provisions pertaining to indirect costs and length of contract, shall apply to grants provided under this part.

(b) Election for Grant In Lieu of Contract.—

(1) Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of this Act may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

(2) Any election made under paragraph (1) shall take effect on the later of—

(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made, or

(B) the date that is 60 days after the date of such election.

(c) No Duplication.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or service if a grant has been made under this part to pay such expenses.

25 USC 2509.

SEC. 5210. ROLE OF THE DIRECTOR.

Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

25 USC 2510.

SEC. 5211. REGULATIONS.

The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

25 USC 2511.

SEC. 5212. DEFINITIONS.

For purposes of this part—

(1) The term "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978 (25 U.S.C. 2008(f)).

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3)(A) The term "tribal organization" means—

(i) the recognized governing body of any Indian tribe, or

(ii) any legally established organization of Indians which—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization, and

(II) includes the maximum participation of Indians in all phases of its activities.

(B) In any case in which a grant is provided under this part to an organization to perform services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.

(6) The term "a local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

PART C—DEPARTMENT OF EDUCATION

Indian Education Act of 1988.
25 USC 2601 note.

SEC. 5301. SHORT TITLE.

This part may be cited as the "Indian Education Act of 1988".

Subpart 1—Financial Assistance to Local Educational Agencies for the Education of Indian Children

25 USC 2601.

SEC. 5311. DECLARATION OF POLICY.

In recognition of the special educational and culturally related academic needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational and culturally related academic needs, or both.

25 USC 2602.

SEC. 5312. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary shall, in order to effectuate the policy set forth in section 5311, carry out a program of making grants to local educational agencies which are entitled to payments under this subpart and which have submitted, and have had approved, applications therefor, in accordance with the provisions of this subpart.

(b) AMOUNT OF GRANTS.—

(1)(A) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of eligible Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

(B) For purposes of this subpart, the term "eligible Indian children" means Indian children whom the Secretary has determined—

(i) were enrolled in a school of the local educational agency, and

(ii) were provided free public education by the local educational agency.

(2)(A) From the sums appropriated under section 5316(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this subpart an amount which bears the same ratio to such sums as the product of—

(i) the number of eligible Indian children, multiplied by

(ii) the average per pupil expenditure per local educational agency,

bears to the sum of such products for all such local educational agencies.

(B) A local educational agency shall not be entitled to receive a grant under this subpart for any fiscal year unless the number of eligible Indian children, with respect to such agency, is at least 10 or constitutes at least 50 percent of its total enrollment. The requirements of this subparagraph shall not apply to any local educational agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency is equal to the amount determined by dividing—

(i) the sum of—

(I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus

(II) any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), by

(ii) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(3)(A) The first fiscal year for which schools operated by the Bureau of Indian Affairs of the Department of the Interior shall be treated as local educational agencies for the purposes of this subpart (other than sections 5314(b)(2)(B)(ii) and 5315(c)(2)) is the first fiscal year beginning after the date of enactment of this Act for which the amount of funds appropriated for allocation under this subsection equals or exceeds the amount of funds that, if such schools are not treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to subparagraph (B)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(i) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(2)), plus

(ii) 2 percent of the amount described in clause (i).

(B)(i) Notwithstanding any other provision of this subpart, for each fiscal year to which this clause applies—

(I) paragraph (2) shall first be applied to allocate the portion of the funds appropriated for such fiscal year for allocation under this subsection that does not exceed the amount determined to be necessary under subparagraph (A) among only those local educational agencies that received funds under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C 241bb(a)(2)) for fiscal year 1988, and

(II) paragraph (2) shall then be applied to allocate the remaining portion (if any) of the funds appropriated for such fiscal year for allocation under this subsection among only those local educational agencies that are schools operated by the Bureau of Indian Affairs.

(ii) Clause (i) applies to the first fiscal year described in subparagraph (A), and each succeeding fiscal year, until the amount of funds appropriated for allocation under this subsection for any fiscal year beginning after the date of enactment of this Act equals or exceeds the amount of funds that, if all schools operated by the Bureau of Indian Affairs are treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to clause (i)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(I) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under the Indian Elementary and Secondary School Assistance Act, plus

(II) 2 percent of the amount described in subclause (I).

(c) GRANTS TO SCHOOLS THAT ARE NOT, OR HAVE NOT BEEN, LOCAL EDUCATIONAL AGENCIES.—

(1) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is

hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to provide financial assistance in accordance with the provisions of this subpart to schools—

(A) which are located on or near reservations; and

(B) which—

(i) are not local educational agencies, or

(ii) have not been local educational agencies for more than 3 years.

California
Oklahoma
Alaska

(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California, Oklahoma, or Alaska.

(d) Grants for Demonstration Projects.—In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to make grants on a competitive basis to local educational agencies to support demonstration projects and programs which are designed to plan for and improve educational opportunities for Indian children, except that the Secretary shall reserve a portion not to exceed 25 percent of such funds to make grants for demonstration projects examining the special educational and culturally related academic needs that arise in school districts with high concentrations of Indian children.

25 USC 2603

SEC. 5313. USES OF FEDERAL FUNDS.

Grants under this subpart may be used, in accordance with applications approved under section 5314, for—

(1) planning and development of programs specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children, including pilot projects designed to test the effectiveness of plans so developed;

(2) the establishment, maintenance, and operation of such programs, including, in accordance with regulations of the Secretary, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment; and

(3) the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse.

25 USC 2604

SEC. 5314. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

(a) In General.—A grant provided under this subpart, except as provided in section 5312(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this subpart is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes of section 5313, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) in the case of an application for payments for planning, provide that—

(A) the planning was or will be directly related to programs or projects to be carried out under this subpart and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this subpart, and

(B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this subpart;

(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

(5) set forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this subpart; and

Reports. Records.

(7) provide for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this subpart and to determine the extent to which funds provided under this subpart have been effective in improving the educational opportunities of Indian students in the area served, and for the keeping of such records, and the affording of such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Approval of Applications.—An application by a local educational agency or agencies for a grant under this subpart may be approved only if it is consistent with the applicable provisions of this subpart and—

(1) meets the requirements set forth in subsection (a);

(2) provides that the program or project for which application is made—

(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(B) has been developed—

(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(ii) with the participation and written approval of a committee—

(I) which is composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, and

(II) of which at least half the members shall be parents described in subclause (I);

(3) sets forth such policies and procedures including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of paragraph (2)(B)(ii); and

(4) provides that the parent committee formed pursuant to paragraph (2)(B)(ii) will adopt and abide by reasonable bylaws for the conduct of the program for which assistance is sought.

(c) AMENDMENTS OF APPLICATIONS.—Amendments of applications submitted under this subpart shall, except as the Secretary may otherwise provide by regulation, be subject to approval in the same manner as original applications.

(d) ELIGIBILITY FORMS.—

(1) The Secretary shall require that each application for a grant under this subpart for each fiscal year include a form for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

(2) The Secretary shall request on the form required under paragraph (1) at least the following information:

(A) either—

(i) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

(ii) if the child is not a member of a tribe, band, or other organized group of Indians, the name, the enrollment number (if readily available) and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any of the child's parents or grandparents, from whom the child claims eligibility;

(B) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership is federally recognized;

(C) the name and address of the parent or legal guardian;

(D) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

(E) any other information which the Secretary deems necessary to provide an accurate program profile.

(3) Nothing in the requirements of paragraph (2) may be construed as affecting the definition set forth in section 5351(4). The failure of an applicant to furnish any information listed in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

(4) The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985-1986 academic year to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of paragraph (1) after the date of enactment of this Act.

(5) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in paragraph (2) may be construed as requiring the furnishing of enrollment numbers.

(e) AUDITING; PENALTIES FOR FALSE INFORMATION.—

(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local education agencies receiving funds under this subpart and shall submit to the Congress an annual report on the findings of the audits. Reports

(B) For purposes of any audit conducted by the Federal Government with respect to funds provide under this subpart, all procedures, practices, and policies that are established by—

(i) the Office of Indian Education of the Department of Education, or

(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

(C) No local education agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit conducted before the date of enactment of this Act that—

(i) relate to the date of completion, or the date of submission, of any forms used to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act, and

(ii) are the subject of any administrative or judicial proceeding pending on the date of enactment of this Act.

(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this subpart and shall be liable to the United States for any funds provided under this subpart that have not been expended.

(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this subpart.

25 USC 2605.

SEC. 5315. PAYMENTS.

(a) In General.—The Secretary shall, subject to the provisions of section 5316, from time-to-time pay to each local educational agency which has had an application approved under section 5314, an amount equal to the amount estimated to be expended by such agency in carrying out activities under such application.

(b) Denial of Payments if Payments Taken Into Account by State.—No payments shall be made under this subpart for any fiscal year to any local educational agency in a State which has taken into consideration payments under this subpart in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(c) Reduction for Failure To Maintain Fiscal Effort.—

"(1) Except as provided in paragraph (2), a local educational agency may receive funds under this subpart for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The State educational agency shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The State educational agency may waive, for 1 fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

25 USC 2606.

SEC. 5316. AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS.

(a) In General.—For the purpose of making payments under this subpart, there are authorized to be appropriated—

(1) for fiscal year 1988, $70,000,000, and

(2) for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, such sums as may be necessary.

(b) Reallocations.—The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this subpart, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.

Subpart 2—Special Programs and Projects to Improve Educational Opportunities for Indian Children

Grants.

SEC. 5321. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

25 USC 2621.

(a) In General.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

(b) Demonstration Projects.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

(1) innovative programs related to the educational needs of educationally deprived children;

(2) bilingual and bicultural education programs and projects;

(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

(c) Services and Programs To Improve Educational Opportunities.—

(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

(A) to provide educational services not available to such children in sufficient quantity or quality, including—

(i) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(ii) comprehensive academic and vocational instruction;

(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

(iv) comprehensive guidance, counseling, and testing services;

(v) special education programs for handicapped and gifted and talented Indian children;

(vi) early childhood programs, including kindergarten;

(vii) bilingual and bicultural education programs; and

(viii) other services which meet the purposes of this subsection; and

(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

(A) encouraging Indian students to acquire a higher education, and

(B) reducing the incidence of dropouts among elementary and secondary school students.

(d) TRAINING.—

(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

(e) GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.—

(1) The Secretary is authorized to make grants to, and to enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, and Indian organizations, and to make con-

tracts with private institutions and organizations, to establish, on a regional basis, information centers to—

(A) evaluate programs assisted under this Act and under other Indian education programs in order to determine their effectiveness in meeting the special educational and culturally related academic needs of Indian children and adults and to conduct research to determine those needs;

(B) provide technical assistance upon request to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and parent committees created pursuant to section 5314(b)(2)(B)(ii) in evaluating and carrying out programs assisted under this Act, through the provision of materials and personnel resources; and

Public information.

(C) disseminate information upon request to the parties described in subparagraph (B) concerning all Federal education programs which affect the education of Indian children and adults, including information on successful models and programs designed to meet the special educational needs of Indian children.

Contracts.

(2) Grants or contracts made under this subsection may be made for a term not to exceed 3 years and may be renewed for additional 3-year terms if provision is made to ensure annual review of the projects.

Contracts.

(3) From funds appropriated under the authority of subsection (g)(1), the Secretary is authorized to make grants to, and to enter into contracts with, Indian tribes, Indian institutions, and Indian organizations, and public agencies and institutions for—

(A) the national dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

(B) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

(4) The sum of the grants made under this subsection to State educational agencies for any fiscal year shall not exceed 15 percent of the total amount of funds appropriated for the provision of grants under this subsection for such fiscal year.

(f) Applications for Grants.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought;

(B) in the case of an application for a grant under subsection (c)—

(i) subject to such criteria as the Secretary shall prescribe, provide for—

(I) the use of funds available under this section, and

(II) the coordination of other resources available to the applicant,

in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

(ii) provide for the training of personnel participating in the project; and

(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

(2)(A) The Secretary may approve an application for a grant under subsection (b), (c), or (d) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

(i) demonstrate that—

(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

(II) there will be such participation in the operation and evaluation of the project, and

(ii) provide for the participation, on an equitable basis, of eligible Indian children—

(I) who reside in the area to be served,

(II) who are enrolled in private nonprofit elementary and secondary schools, and

(III) whose needs are of the type which the program is intended to meet,

to the extent consistent with the number of such children.

(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(3) The Secretary may approve an application for a grant under subsection (e) only if the Secretary is satisfied that the funds made available under that subsection will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under that subsection, be made available by the State or local educational agency for the activities described in that subsection, and in no case will be used to supplant those funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) For the purpose of making grants under the provisions of this section, there are authorized to be appropriated $35,000,000 for each fiscal year ending prior to October 1, 1993.

(2) For the purpose of making grants under subsection (e)(1), there are authorized to be appropriated $8,000,000 for each of the fiscal years ending prior to October 1, 1993.

25 USC 2622.

SEC. 5322. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

Contracts.

(a) IN GENERAL.—

(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

(B) providing in-service training for persons teaching in such programs.

(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

(b) Fellowships and Traineeships.—

(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances. Contracts

(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

(c) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year ending prior to October 1, 1993, such sums as may be necessary to carry out the provisions of this section.

SEC. 5323. FELLOWSHIPS FOR INDIAN STUDENTS. 25 USC 2623.

(a) In General.—During each fiscal year ending prior to October 1, 1993, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a post baccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

(b) Stipends.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(c) Payments to Institutions In Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

(d) Special Rules.—

(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

(2) By no later than the date that is 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

25 USC 2624

SEC. 5324. GIFTED AND TALENTED.

(a) ESTABLISHMENT OF CENTERS.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

Contracts.

(b) DEMONSTRATION PROJECTS.—

(1) The Secretary shall award separate grants to, or enter into contracts with—

(A) 2 tribally controlled community colleges that—

(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

(ii) are fully accredited, or

(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide those support services to their families that are needed to enable the students to benefit from the project.

Children's Television Network.

(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

(3) Demonstration projects funded under this section may include—

(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions;

(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (d) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by such grants, or the dissemination of such evaluations;

(D) the use of public television in meeting the special educational needs of such gifted and talented children;

(E) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of those support services to their families that are needed to enable such children to benefit from the project.

(c) Additional Grants.—

(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, and the development and dissemination of curriculum and teacher training material regarding—

(A) gifted and talented students,

(B) college preparatory studies (including programs for Indian students interested in teaching careers),

(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

(D) math and science education.

(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

(4) In providing grants under paragraph (1), the Secretary shall—

(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

(B) ensure that a definition of the term "gifted and talented student" for purposes of this section and section 1128(c)(1)(A)(ii) of the Education Amendments of 1978 is developed as soon as possible.

(5) Subject to the availability of appropriated funds, grants provided under paragraph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

Reports

(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the evaluator.

Contracts

(B) If no funds are provided under subsection (b) for—

(i) the evaluation of activities funded by grants made under paragraph (1),

(ii) technical assistance and coordination with respect to such activities, or

(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

(d) INFORMATION NETWORK.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 for the purpose of carrying out the provisions of this section. Such sums shall remain available until expended.

Grants.

Subpart 3—Special Programs Relating to Adult Education for Indians

25 USC 2631.

SEC. 5330. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) IN GENERAL.—The Secretary shall carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate—

(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians; and

Public information.

(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(b) EDUCATIONAL SERVICES.—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

Contracts.

(c) INFORMATION AND EVALUATION.—The Secretary is also authorized to make grants to, and to enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

(d) APPLICATIONS.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought; and

(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

(2) The Secretary shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that—

(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

(B) there will be such a participation in the operation and evaluation of the project.

(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

Subpart 4—Program Administration

SEC. 5311. OFFICE OF INDIAN EDUCATION.

Establishment.
25 USC 2641.

(a) IN GENERAL.—There is established, in the Department of Education, an Office of Indian Education.

(b) DIRECTOR.—

(1) The Office of Indian Education shall be under the direction of the Director of the Office of Indian Education, who shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the National Advisory Council on Indian Education.

(2) The Director of the Office of Indian Education shall—

(A) be responsible for administering the provisions of this part,

(B) be responsible for the development of all policies and procedures relative to the implementation of this part,

(C) be involved in, and primarily responsible for, development of all policies affecting Indians under programs within the Office of Elementary and Secondary Education of the Department of Education, and

(D) coordinate the development of policy and practices for all programs in the Department of Education relating to Indians and Alaskan Natives.

(2) The Director of the Office of Indian Education shall report directly to the Assistant Secretary of Education for Elementary and Secondary Education.

(3) The Director of the Office of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of

title 5, United States Code, and shall perform such duties as are delegated or assigned to the Director by the Secretary. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

(c) Indian Preference.—

(1)(A) All professional staff within the Office of Indian Education shall have experience with Indian education programs. The Secretary shall give a preference to Indians in all personnel actions within the Office of Indian Education. Such preference shall be implemented in the same fashion as the preference given to any veteran referred to in subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code.

(B) The provisions of this paragraph shall apply to all personnel actions taken after the date of enactment of this Act.

(2) The Secretary shall provide a one-time preference for qualified individuals who—

(A) are not Indians,

(B) are serving within the Office of Indian Education on the date of enactment of this Act, and

(C) desire to take another position in the Department of Education which is not within the Office of Indian Education and for which there is a vacancy.

Establishment.
25 USC 2642.

SEC. 5342. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) In General.—

(1) There is hereby established the National Advisory Council on Indian Education (hereafter in this subpart referred to as the "National Council"), which—

(A) shall consist of 15 members who are Indians appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and

(B) shall represent diverse geographic areas of the country.

Termination date.

(2) Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until October 1, 1993.

(b) Functions.—The National Council shall—

(1) advise the Secretary with respect to—

(A) the administration (including the development of regulations and of administrative practices and policies) of any program—

(i) in which Indian children or adults participate, or

(ii) from which they can benefit, including this part, and

(B) adequate funding of such programs;

(2) review applications for assistance under this part and make recommendations to the Secretary with respect to their approval;

(3) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1; Regulations.

(6) submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs, and

(7) submit to the Congress by no later than June 30 of each year a report on its activities, which shall include— Reports.

(A) any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and

(B) a statement of the National Council's recommendations to the Secretary with respect to the funding of any such programs.

(c) CONTRACTING.—With respect to functions of the National Council described in paragraphs (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) FUNDING.—From sums appropriated pursuant to section 400(d) of the General Education Provisions Act which are available for part D of such Act, the Secretary shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

SEC. 5343. AUTHORIZATION OF APPROPRIATIONS. 25 USC 2643.

There are authorized to be appropriated for fiscal year 1989, and each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this subpart.

Subpart 5—Miscellaneous

SEC. 5351. DEFINITIONS. 25 USC 2651.

For purposes of this part—

(1) The term "adult" means any individual who—

(A) is 16 years old or older, or

(B) who is beyond the age of compulsory school attendance under State law.

(2) The term "adult education" means instruction or services below college level for adults who are not enrolled in a secondary school and who do not have—

(A) the basic skills to enable them to function effectively in society, or

(B) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).

(3) The term "free public education" means education that is provided at public expense, under public supervision and direction, and without tuition charge, and that is provided as elementary or secondary education in the applicable State.

(4) The term "Indian" means any individual who is—

(A) a member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A),

(C) considered by the Secretary of the Interior to be an Indian for any purpose,

(D) an Eskimo, Aleut, or other Alaska Native, or

(E) is determined to be an Indian under regulations promulgated by the Secretary after consultation with the National Advisory Council on Indian Education.

(5)(A) The term "local educational agency" has the meaning given to such term by section 198(a)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(a)(10)).

(B) The term "local educational agency", for purposes of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)(2)) includes—

(i) any Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, that operates a school for the children of that tribe if the school either—

(I) provides its students an educational program that meets the standards established by the Secretary of the Interior under section 1121 of the Education Amendments of 1978, or

(II) is operated by that tribe or organization under a contract with the Department of the Interior in accordance with the Indian Self-Determination and Education Assistance Act, and

(ii) for the fiscal year described in section 5312(b)(3)(A) and each succeeding fiscal year, any school operated by the Bureau of Indian Affairs of the Department of the Interior, either individually or in cooperation with any other local education agency.

(6) The term "parent" includes an individual acting in loco parentis, other than by virtue of being a school administrator or official.

(7) The term "Secretary" means the Secretary of Education.

(8) The terms "Bureau school", "contract school", and "Bureau funded school" have the respective meaning given to such terms by section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019).

SEC. 5352. CONFORMING AMENDMENTS.

The following provisions of law are hereby repealed:

20 USC 241aa *et seq.*

(1) The Indian Elementary and Secondary School Assistance Act.

20 USC 3385.

(2) Section 1005 of the Elementary and Secondary Education Act of 1965.

(3) Section 315 of the Adult Education Act.

20 USC 1211, 1411 note, 3385a, 3385b, 1221f-1221h.

(4) Sections 421(b)(2), 422, 423, 441, 442, and 453 of the Indian Education Act (title IV of Public Law 92-318).

PART D—MISCELLANEOUS PROVISIONS

SEC. 5401. NAVAJO COMMUNITY COLLEGE.

Paragraph (1) of section 5(b) of the Navajo Community College Act (25 U.S.C. 640c-1(b)(1)) is amended to read as follows:

Appropriation authorization. Grants.

"(1) There are authorized to be appropriated for grants to the Navajo Community College, for each fiscal year, an amount necessary to pay expenses incurred for—

"(A) the maintenance and operation of the college, including—

"(i) basic, special, developmental, vocational, technical, and special handicapped education costs,

"(ii) annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and

"(iii) summer and special interest programs,

"(B) major capital improvements, including internal capital outlay funds and capital improvement projects,

"(C) mandatory payments, including payments due on bonds, loans, notes, or lease purchases, and

"(D) supplemental student services, including student housing, food service, and the provision of access to books and services.".

SEC. 5102. PAYMENT OF GRANTS; INTEREST.

(a) TRIBALLY CONTROLLED COMMUNITY COLLEGES.—Subsection (b) of section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(b)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(1) The Secretary", and

(2) by adding at the end thereof the following new paragraphs: Securities.

"(2) Notwithstanding any other provision of law, the Secretary shall not, in disbursing funds provided under this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this title.

"(3)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this title after such funds are paid to the tribally controlled community college and before such funds are expended for the purpose for which such funds were provided under this title shall be the property of the tribally controlled community college and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the tribally controlled community college under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the tribally controlled community college by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(4) Funds provided under this title may only be invested by the tribally controlled community college in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

(b) NAVAJO COMMUNITY COLLEGE.—The Navajo Community College Act is amended by adding at the end thereof the following new section:

"PAYMENTS; INTEREST

"SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under this Act, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this Act. 25 USC 640c-3.

Securities.

"(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this Act after such funds are paid to the Navajo Community College and before such funds are expended for the purpose for which such funds were provided under this Act shall be the property of the Navajo Community College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the Navajo Community College under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the Navajo Community College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(2) Funds provided under this Act may only be invested by the Navajo Community College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

SEC. 5403. MATCHING FUNDS.

(a) TRIBALLY CONTROLLED COMMUNITY COLLEGES.—Section 109 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1809) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, funds provided under this title to the tribally controlled community college may be treated as non-Federal, private funds of the college for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

(b) NAVAJO COMMUNITY COLLEGE.—Section 6 of the Navajo Community College Act is amended— 25 USC 640c-2.

(1) by striking out "Except" and inserting in lieu thereof "(a) Except", and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, funds provided under this Act to the Navajo Community College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

25 USC 309b. (c) VOCATIONAL EDUCATION FUNDS.—Notwithstanding any other provision of law, funds provided by the Bureau for adult vocational education to any vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965) may be treated as non-Federal, private funds of such school for purposes of any provision of Federal law which requires that non-Federal or private funds of such school be used in a project or for a specific purpose.

25 USC 13d-2.

SEC. 5404. ENROLLMENT AND GENERAL ASSISTANCE PAYMENTS.

(a) IN GENERAL.—The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau has been making general assistance payments for at least 3 months (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satis-

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factory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—

(1) a college assisted by the Bureau under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801) or the Navajo Community College Act (85 Stat. 645; 25 U.S.C. 640a);

(2) an institution of higher education or a vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965);

(3) a course the Secretary determines will lead to a high school diploma or an equivalent certificate; or

(4) other programs or training approved by the Secretary.

(b) FACTORS NOT TO BE CONSIDERED.—In determining the amount of general assistance provided by the Bureau of Indian Affairs, the Secretary of the Interior shall not include consideration of—

(1) additional expenses in connection with the study or training described in subsection (a), and

(2) the amount of any financial assistance received by the individual as a student or trainee.

(c) NO EFFECT ON OTHER ELIGIBILITY REQUIREMENTS.—This section does not alter any eligibility requirement for general assistance from the Bureau of Indian Affairs other than the requirement to be available for employment and to seek employment.

SEC. 5405. USE OF BUREAU FACILITIES.

25 USC 17.

(a) IN GENERAL.—The Secretary of the Interior may permit tribal, student, and other non-Federal organizations to use facilities, lands, and equipment administered by the Bureau of Indian Affairs if such use does not interfere with the purpose for which the facilities, land, and equipment are administered by the Bureau. The Secretary of the Interior may charge the user for the actual or estimated additional cost of utilities or other expenses incurred because of the use and the amounts collected shall be credited to the appropriation or fund from which the expenses are paid.

(b) SCOPE OF AUTHORITY.—The authority provided by this section is in addition to, and not in derogation of, any other authority available to the Secretary of the Interior.

SEC. 5406. INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) TERMINATION OF CIVIL SERVICE POSITIONS.—Paragraph (1) of section 1509(g) of the Higher Education Amendments of 1986 (20 U.S.C. 4416(g)(1)) is amended by striking out "At the end of the 2-year period beginning on the date referred to in section 1514(f)" and inserting in lieu thereof "On June 30, 1989".

(b) ENDOWMENT PROGRAM.—Section 1518 of the Higher Education Amendments of 1986 (20 U.S.C. 4425) is amended—

(1) by striking out "From the amount appropriated pursuant to section 1521(a), the Secretary shall make available to the Institute not more than $500,000 which" in subsection (a)(1) and and inserting in lieu thereof "From amounts appropriated under section 1531(a), not more than $500,000", and

(2) by striking out "ALLOCATION OF FUNDS.—From the amount appropriated pursuant to section 1521(a), the Secretary shall allocate to the Institute an amount for" in subsection (d) and inserting in lieu thereof "PAYMENT OF FEDERAL CONTRIBU-

TION.—Amounts appropriated under section 1531(a) for use under this section shall be paid by the Secretary of the Treasury to the Institute as".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1531 of the Higher Education Amendments of 1986 (20 U.S.C. 4451(a)) is amended to read as follows:

"(a) PART A.—

"(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of part A.

"(2) Funds appropriated under the authority of paragraph (1) shall remain available without fiscal year limitation.

"(3) Except as provided for amounts subject to section 1518(d), amounts appropriated under the authority of this subsection for fiscal year 1989, and for each succeeding fiscal year, shall be paid to the Institute at the later of—

"(A) the beginning of the fiscal year, or

"(B) upon enactment of such appropriation.".

(d) UNOBLIGATED APPROPRIATION AND RESPONSIBILITY FOR OBLIGATIONS.—Subsection (e) of section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421(e)) is amended by adding at the end thereof the following new paragraphs:

"(3) Any funds appropriated for the Institute for fiscal year 1988 that are not expended or obligated on the date described in paragraph (2) shall be paid to the Institute within 10 days of that date.

"(4) The Institute shall be responsible for all obligations of the Institute incurred after the date described in paragraph (2) and the Secretary of the Interior shall be responsible for all obligations of the Institute incurred on or before that date.

(e) ACCOUNTING FOR NON-FEDERAL FUNDS.—Section 1507 of the Higher Education Amendments of 1986 (20 U.S.C. 4414) is amended—

(1) by striking out "In carrying out" and inserting in lieu thereof "(a) IN GENERAL.—In carrying out", and

(2) by adding at the end thereof the following new subsection:

"(b) ACCOUNTING FOR NON-FEDERAL FUNDS.—Any funds received by, or under the control of, the Institute that are not Federal funds shall be accounted for separately from Federal funds.".

(f) BUDGET PROPOSALS.—Subsection (b) of section 1515 of the Higher Education Amendments of 1986 (20 U.S.C. 4422(b)) is amended—

(1) by striking out "During the 2-year period beginning on the date referred to in section 1514(f)" in paragraph (1) and inserting in lieu thereof "Prior to October 1, 1988", and

(2) by striking out "the period described in paragraph (1)" in paragraph (2) and inserting in lieu thereof "September 30, 1988".

PART E—WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

25 USC 2001 note

SEC. 5501. FINDINGS.

The Congress finds that—

(1) the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians;

(2) this responsibility is being carried out by Federal schools and federally funded programs;

(3) while the States provide educational services to the majority of Indian students in the United States, the State services are largely funded by Federal funds and are not, in any way, in derogation of the Federal responsibility;

(4) changes in the Federal and State systems in the past decade and the growth of tribal control over schools has led to substantial improvements in the educational opportunities and successes of Indian students;

(5) substantial and substantive problems continue to exist and interfere with the realization of full opportunities for Indian students; and

(6) identification of these problems through the convening of a White House conference will facilitate formulation of solutions.

SEC. 5502. AUTHORIZATION TO CALL CONFERENCE.

25 USC 2001 note.
President of U.S.

(a) In General.—The President shall call and conduct a White House Conference on Indian Education (hereafter in this part referred to as the "Conference") which shall be held not earlier than September 1, 1989, and not later than September 30, 1991.

(b) Purpose.—The purpose of the White House Conference on Indian Education shall be to—

(1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing Federal programs relating to the education of Indians, and

(2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians, in accordance with the findings set forth in section 5501.

SEC. 5503. COMPOSITION OF CONFERENCE.

25 USC 2001 note.

(a) In General.—The Conference shall be composed of—

(1) representatives of the Bureau of Indian Affairs of the Department of the Interior;

(2) representatives of Indian educational institutions, public schools, agencies, organizations and associations that deal with the education of Indians;

(3) educators from reservations and urban areas where Indians make up a substantial portion of the student population; and

(4) individuals with a special knowledge of, and special competence in dealing with, Indians and Indian problems, including education and health.

(b) Selection.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of the participants, and the President pro tempore of the Senate shall select the remaining one-third of the participants.

(c) Distribution of Participants.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall ensure that—

(1) one-fourth of the participants are individuals who are currently active educators on Indian reservations;

(2) one-fourth of the participants are educators selected from urban areas with large concentrations of Indians;

(3) one-fourth of the participants are individuals who are Federal and tribal government officials; and

(4) one-fourth of the participants are Indians, including members of Indian tribes that are not recognized by the Federal Government.

25 USC 2001 note.

SEC. 5504. ADMINISTRATIVE PROVISIONS.

(a) PLANNING AND DIRECTION.—The Conference shall be planned and conducted by the Interagency Task Force on the White House Conference on Indian Education (hereafter in this part referred to as the "Task Force").

(b) ESTABLISHMENT OF TASK FORCE.—

(1) If the President calls the Conference, the Secretary of the Interior and the Secretary of Education, acting jointly, shall establish the Task Force on the White House Conference on Indian Education which shall consist of such employees of the Department of the Interior and the Department of Education as the Secretary of the Interior and the Secretary of Education determine to be necessary to enable the Task Force to carry out its duties.

(2) The Secretary of the Interior and the Secretary of Education shall each appoint no less than 2 professional staff members and one support staff member to the Task Force.

(3) All staff assigned to the Task Force shall work on preparations for, and the conduct of, the Conference on a full-time basis.

(4) The Secretary of the Interior shall provide office space and materials for the Task Force, including an allowance for mailing costs.

(5) Each professional staff person appointed to the Task Force shall have expertise directly related to Indian education and at least one person appointed by the Secretary of the Interior shall be experienced in dealing with the Congress, Indian tribes, and nongovernmental organizations.

(6) The Secretary of the Interior and the Secretary of Education, acting jointly, shall designate one staff person as the Director of the Task Force.

(c) FUNCTION OF THE TASK FORCE.—The Task Force shall—

(1) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(2) prepare and make available background materials for the use of participants in the Conference and any associated State conferences, and prepare and distribute such reports of the Conference and of any associated State conferences as may be appropriate;

(3) make technical and financial assistance (by grants, contracts, or otherwise) available to the States and intertribal organizations to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(4) conduct fiscal oversight activities with respect to the preparation for, and the convening of, the Conference, including contracting for the services of an auditor.

(d) **Federal Agency Cooperation and Assistance.**—

(1) Each Federal department and agency shall cooperate with, and provide assistance to, the Task Force upon request made by the Task Force under subsection (c)(1). For that purpose, each Federal department and agency is authorized and encouraged to provide personnel to the Task Force.

(2) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services and the Director of the Indian Health Service of the Department of Health and Human Services are authorized to detail personnel to the Task Force, upon request, to enable the Task Force to carry out its functions under this part.

(e) **Personnel.**—In carrying out the provisions of this part, the Task Force is authorized to engage such personnel as may be necessary to assist the Conference and the Advisory Committee of the Conference, without regard for the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) **Expenses.**—Participants in the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed such travel expenses, including per diem in lieu of subsistence, as are allowed under section 5703 of title 5, United States Code. Such expenses may be paid by way of advances, reimbursement, or in installments, as the Task Force may determine.

SEC. 5505. REPORTS.

25 USC 2001 note.

(a) **In General.**—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the close of the Conference. The final report shall be made public and, within 90 days after its receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations of the President with respect to such report.

Public information.

(b) **Distribution.**—The Conference is authorized to publish and distribute for the Conference the reports authorized under this part. Copies of all such reports shall be provided to the Federal depository libraries.

Public information.

SEC. 5506. ADVISORY COMMITTEE.

Establishment.
25 USC 2001 note.

(a) **Composition.**—There is hereby established the Advisory Committee of the Conference (hereafter in this part referred to as the "Advisory Committee") composed of—

(1) five individuals designated by the Speaker of the House of Representatives, with not more than three being Members of the House of Representatives;

(2) five individuals designated by the President pro tempore of the Senate, with not more than three being Members of the Senate;

(3) ten individuals appointed by the President;

(4) the Assistant Secretary of the Interior for Indian Affairs or a delegate of the Assistant Secretary;

(5) the Secretary of Education or a delegate of the Secretary; and

(6) the Director of the Task Force.

The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives, shall, after consultation with Indian tribes, ensure that members of the Advisory Committee are broadly representative of all Indians of the United States.

(b) Function.—The Advisory Committee shall assist and advise the Task Force in planning and conducting the Conference.

(c) Administration.—

(1) The Director of the Task Force shall serve as vice chairman of the Advisory Committee. The Advisory Committee shall elect the chairman of the Advisory Committee from among those members of the Advisory Committee who are not full-time Federal employees.

(2) The Advisory Committee shall select the chairman of the Conference.

(3) The chairman of the Advisory Committee is authorized to establish, prescribe functions for, and appoint members to such advisory and technical committees as may be necessary to assist and advise the Task Force in carrying out its duties.

(d) Compensation.—Members of any committee established under this section who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation at a rate fixed by the President that does not exceed the rate of pay specified at the time of such service for grade GS-18 under section 5332, of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code.

25 USC 2001 note.
Grants.

SEC. 5507. GIFTS AND TITLE TO CERTAIN PROPERTY.

(a) Gifts.—The Task Force shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Task Force in furtherance of the Conference. Such grants, gifts, or bequests offered the Task Force, shall be paid by the donor or his representative into the Treasury of the United States in a special account to the credit of the Conference for the purposes of this part.

(b) Disposition of Materials.—Materials and equipment acquired for the use of the Conference, or for the Task Force, shall be transferred to the Bureau of Indian Affairs after the close of the Conference.

25 USC 2001 note.

SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of the fiscal years 1988, 1989, and 1990 such sums as may be necessary to carry out this part. Such sums shall remain available until expended.

Public Law 100-427
100th Congress

An Act

To make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

Sept. 9, 1988
[H.R. 5174]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUREAU FUNDED SCHOOLS.

(a) FACTORS.—Section 1121(k)(1) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(1)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "has not previously received funds from the Bureau" and inserting in lieu thereof "is not a Bureau funded school";

(B) by striking out "Bureau school board" and inserting in lieu thereof "school board of any Bureau funded school";

(C) by striking out "has not previously been operated or funded by the Bureau" in subclause (I) and inserting in lieu thereof "is not a Bureau funded school"; and

(D) by striking out "any program currently funded by the Bureau" in subclause (II) and inserting in lieu thereof "a Bureau funded school"; and

(2) in subparagraph (B)(iii), by striking out "a Bureau operated program" and inserting in lieu thereof "a Bureau funded school".

(b) APPLICATION.—Section 1121(k)(6)(A) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(6)(A)) is amended—

(1) by striking out "tribally controlled school" and inserting in lieu thereof "contract school"; and

(2) by striking out "the date of enactment of this Act" and inserting in lieu thereof "April 28, 1988,".

(c) DEFINITIONS.—(1) Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;".

(2) Section 1139(5) of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by striking out "104(1)" and inserting in lieu thereof "104(a)"; and

(B) by striking out "450h(1)" and inserting in lieu thereof "450h(a)".

(3) Section 1126(a) of the Education Amendments of 1978 (25 U.S.C. 2006(a)) is amended by striking out "(hereinafter referred to as the 'Office')".

SEC. 2. ALLOTMENT FORMULA.

(a) Fiscal Year 1990.—Section 1128(c)(1)(B) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)(B)) is amended by striking out "an average daily attendance of" and inserting in lieu thereof "an enrollment of".

(b) Technical Amendments.—(1) Clause (i) of section 1128(c)(4)(A) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(4)(A)) is amended by striking out "Amendments" and inserting in lieu thereof "Act".

(2) Clause (iii) of section 5107(b)(1)(A) of the Indian Education Amendments of 1988 (20 U.S.C. 1[illegible]11 note) is amended—

(A) by striking out "602([illegible])" and inserting in lieu thereof "602(a)(1)"; and

(B) by striking out "401(i)" and inserting in lieu thereof "1401(a)(1)".

(c) Contract Schools Treated as Political Subdivisions.—Section 1128(c)(5) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(5)) is amended by striking out "schools operated by Indian tribes" and inserting in lieu thereof "contract schools".

SEC. 3. EMERGENCIES AND UNFORESEEN CONTINGENCIES.

Section 1128(d) of the Education Amendments of 1978 (25 U.S.C. 2008(d)) is amended to read as follows:

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.".

Reports

SEC. 4. ADMINISTRATIVE COST GRANTS.

(a) Amount of Grant; Rate Applicable Only to Educational Activities.—Section 1128A(b)(1) of the Education Amendments of 1978 (25 U.S.C. 2008a(b)(1)) is amended—

(1) by striking out "to each of the direct cost education programs" and inserting in lieu thereof "to the aggregate of the Bureau elementary and secondary functions"; and

(2) by adding at the end thereof the following new sentence: "The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.".

(b) Single Administrative Cost Account.—Subsection (d)(1)(A) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by inserting "tribe or" before "contract school" each place it appears.

(c) Studies.—Subsection (f) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.".

(d) Grant Schools.—Section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by adding at the end thereof the following new subsection:

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.".

SEC. 5. SCHOOL BOARD TRAINING.

(a) Effective Date.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new subparagraph:

"(D) This paragraph shall take effect on October 1, 1989.".

(b) Set-Aside Amount.—Clause (ii) of section 1128(c)(3)(C) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)(C)) is amended by striking out "2 percent" and inserting in lieu thereof "1 percent".

SEC. 6. COORDINATED PROGRAMS.

Section 1129(f)(1) of the Education Amendments of 1978 (25 U.S.C. 2009(f)(1)) is amended—

(1) by striking out "a school" and inserting in lieu thereof "a Bureau school";

(2) by striking out "whose children are served by a program operated by the Bureau";

(3) by striking out "education programs operated by the Bureau" and inserting in lieu thereof "the school"; and

(4) in subparagraph (A), by striking out "if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited" and inserting in lieu thereof "unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited".

SEC. 7. CONSULTATION.

Section 1130(b)(2) of the Education Amendments of 1978 (25 U.S.C. 2010(b)(2)) is amended by striking out "from information educed or presented during the discussions" and substituting in lieu thereof "from information educed or presented by the interested parties during one or more of the discussions and deliberations.".

SEC. 8. PERSONNEL STUDIES.

Section 5113 of the Indian Education Amendments of 1988 (25 U.S.C. 2011 note) is amended—

(1) in subsection (a)(2), by striking out "schools operated within the United States" and inserting in lieu thereof "elementary and secondary schools operated"; and

(2) in subsection (e), by striking out "11" and inserting in lieu thereof "XI".

SEC. 9. REGULAR COMPENSATION OF BUREAU EDUCATORS; NONVOLUNTARY FURLOUGHS.

(a) COMPENSATION.—Section 1131(h)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) in subparagraph (B), by striking out "the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "October 28, 1988";

(2) in subparagraph (C), by striking out "the close of the 6-month period described in subparagraph (B)" and inserting in lieu thereof "October 28, 1988";

(3) in subparagraph (C)(i), by striking out "the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "April 28, 1988,";

(4) in subparagraph (E)(i), by striking out "any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day" and inserting in lieu thereof "an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o)"; and

(5) in subparagraph (E)(iii), by inserting before the period ", except that the individual must use leave accrued during a contract period by the end of that contract period".

(b) APPLICATION.—Section 1131(o) of the Education Amendments of 1978 (25 U.S.C. 2011(o)) is amended—

(1) in paragraph (1)—

(A) by striking out "This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position" and inserting in lieu thereof "Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2))", and

(B) by striking out "any individual employed immediately before the effective date of subsection (a)(2)" and inserting in lieu thereof "an individual employed on October 31, 1979"; and

(2) in paragraph (2)—

(A) by striking out "position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act" and inserting in lieu thereof "position on October 31, 1979, may, not later than November 1, 1983"; and

(B) by inserting "of subsections (a) through (n)" after "provisions".

(c) FURLOUGHS.—Section 1131(p)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(p)(1)) is amended—

(1) by striking out "No educator whose basic compensation is paid from funds allocated under section 1128 may be" and inserting in lieu thereof "An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be";

(2) in subparagraph (A), by striking out "a shortage of funds" and inserting in lieu thereof "an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act"; and

(3) by inserting before the period at the end of subparagraph (B) ", except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue one or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply".

Discrimination, prohibition.

(d) FINANCIAL PLANS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after the first sentence of subsection (b) the following new sentence: "The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board.".

SEC. 10. GRANTS.

Contracts.

(a) IN GENERAL.—Section 5204(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(1)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract schools;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau schools with assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.".

(b) RETROCESSION.—Section 5204(f) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(f)) is amended—

(1) by adding the following at the end thereof:

"The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau school or as a contract school under title XI of the Education Amendments of 1978. Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(1) with assistance under this part, or

"(2) upon assumption of operation of the program under this part if it was a Bureau funded school under title XI of the

Education Amendments of 1978 before receiving assistance under this part.";

(2) by striking out "tribe" each place it appears in the first sentence and inserting in lieu thereof "tribal governing body"; and

(3) by striking out "Indian" in the first sentence.

(c) Composition.—Section 5205(b)(3)(A)(i) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(3)(A)(i)) is amended by inserting "chapter 1 of" before "title I".

SEC. 11. ELIGIBILITY FOR GRANTS.

(a) In General.—Subparagraphs (A) and (B) of section 5206(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(a)(1)) are amended to read as follows:

Contracts.

"(A) was, on April 28, 1988, a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part,

"(B) was a Bureau school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b),".

(b) Additional Requirements for Bureau Funded Schools.—Section 5206(b)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(b)(1)) is amended by striking out "Any school that was operated as a Bureau school on the date of enactment of this Act" and inserting in lieu thereof "A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on April 28, 1988.".

(c) Schools Which Are Not Bureau Funded.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) by amending the subsection heading to read "Additional Requirements for a School Which Is Not a Bureau Funded School.—"; and

(2) in paragraph (1), by striking out "A school for which the Bureau has not provided funds" and inserting in lieu thereof "A school which is not a Bureau funded school under title XI of the Education Amendments of 1978".

(d) Applications and Reports.—Section 5206(d)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(d)(1)) is amended by striking out "the Department of Education" and inserting in lieu thereof "the Bureau of Indian Affairs".

(e) Record of Hearings.—Section 5206(f)(1)(C) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(f)(1)(C)) is amended by inserting "on the record" after "hearing".

SEC. 12. DURATION OF ELIGIBILITY DETERMINATION.

(a) Role of Secretary of Education.—Subclause (I) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended by striking out "as determined by" and inserting in lieu thereof "as recognized by".

(b) Revocation.—Subclause (V) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended—

(1) by striking out the last sentence and inserting in lieu thereof the following: "If the Secretary and a grantee other than the tribal governing body fail to agree on such an evalua-

tor, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply."; and

(2) by inserting "(or revisions of such standards agreed to by the Secretary and the grantee)" after "Education Assistance Act".

(c) APPLICATION.—Section 5207 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) is amended by adding at the end thereof the following new subsection:

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)— 25 USC 2506.

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.".

SEC. 13. PAYMENTS OF GRANTS.

(a) PAYMENT.—Paragraph (2) of section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by striking out "under this part" and inserting in lieu thereof "from Bureau funds".

(b) RESTRICTIONS.—Section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by adding the following new paragraph at the end thereof:

"(3) Paragraphs (1) and (2) of this subsection shall be subject to any restriction on amounts of payments under this part that may be imposed by a continuing resolution or other Act appropriating the funds involved.".

SEC. 14. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended—

(1) in subsection (b) by adding at the end thereof the following:

"(3) In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election. For fiscal year 1989, the Secretary may waive this paragraph for elections received prior to September 30, 1988."; and Effective date

(2) by adding the following new subsections at the end thereof:

"(d) TRANSFERS AND CARRYOVERS.— Contracts

"(1) A tribe or tribal organization assuming the operation of a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) A tribe or tribal organization assuming the operation of a contract school with assistance under this part shall be entitled to the transfer or use of the buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(3) Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

Grants.
Contracts.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2) of this Act, any dispute regarding the amount of a grant under section 5205 (and the amount of any funds referred to in that section), any payments to be made under section 5208 of this Act, and any dispute involving the amount of, or payment of, the administrative grant under section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) shall be handled under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-658; 25 U.S.C. 450 et seq.).".

SEC. 15. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 5312 of the Indian Education Act of 1988 (25 U.S.C. 2602) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(1) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of Indian children who were enrolled in the schools of each local educational agency that applies for a grant, and for whom such agency provided free public education, during such fiscal year.";

(2) in subsection (b)(2)(A), by striking all after "the product of—" and inserting in lieu thereof the following:

"(i) the number of Indian children determined under paragraph (1), multiplied by

"(ii) the average per pupil expenditure per local educational agency, as determined under subparagraph (C), bears to the sum of such products for all such local educational agencies.";

(3) in the first sentence of subsection (b)(2)(B)—

(A) by striking out "eligible"; and

(B) by inserting "determined under paragraph (1)" after "children";

(4) in subsection (b)(3), by striking out "5315(c)(2)" and inserting in lieu thereof "5315(c)"; and

(5) in subsection (c)(1), by striking out "in accordance with the provisions of this subpart" and inserting in lieu thereof ", on a competitive basis,".

SEC. 16. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

Section 5314 of the Indian Education Act of 1988 (25 U.S.C. 2604) is amended—

(1) in subsection (a)—

(A) by striking out "provided"; and

(B) by striking out "5312(b)" and inserting in lieu thereof "5312(c)";

(2) in subsection (b)(3), by inserting "," after "procedures" the first place it appears;

(3) in subsection (d)(1), by striking out "include a form" and inserting in lieu thereof "be supported by a form, maintained in the files of the applicant,";

(4) in subsection (d)(2)(A)(ii), by striking out "grandparents," and inserting in lieu thereof "grandparents";

(5) in subsection (d)(2)(B), by striking out "applicant" and inserting in lieu thereof "child";

(6) in subparagraphs (C) and (D) of subsection (d)(2), by striking out "or legal guardian" each place it appears;

(7) in subsection (d)(3)—

(A) by inserting "other" before "information"; and

(B) by inserting after the first sentence the following: "In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at least—

"(A) the child's name;

"(B) the name of the tribe, band, or other organized group of Indians; and

"(C) the parent's dated signature."; and

(8) in subsection (e)(1)—

(A) by striking out "education" in subparagraph (A) and inserting in lieu thereof "educational";

(B) by striking out "provide" in subparagraph (B) and inserting in lieu thereof "provided"; and

(C by striking out "education" in subparagraph (C) and inserting in lieu thereof "educational".

SEC. 17. PAYMENTS.

Section 5315(c) of the Indian Education Act of 1988 (25 U.S.C. 2605(c)) is amended to read as follows:

"(c) REDUCTION FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

State and local governments

"(1) The Secretary shall not pay to any local educational agency its full allotment under section 5312 for any fiscal year unless the State educational agency determines that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its expenditures at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the allocation of funds to that agency in the exact proportion of that agency's failure to maintain its expenditures at that level, and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources. The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of a waiver.".

SEC. 18. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

(a) Training for Those Serving Indian Students.—Section 5321(d) of the Indian Education Act of 1988 (25 U.S.C. 2621(d)) is amended by adding at the end thereof the following:

Grants "(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.".

(b) Technical Amendments.—Subparagraphs (B) and (C) of section 5321(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(e)(1)) are each amended by striking out "upon request" and inserting in lieu thereof ", upon request,".

(c) Authorization of Appropriations.—Section 5321(g)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(g)(1)) is amended by inserting ", other than subsection (e)(1)" after "this section".

SEC. 19. FELLOWSHIPS FOR INDIAN STUDENTS.

(a) Technical Correction.—Section 5323(a) of the Indian Education Act of 1988 (25 U.S.C. 2623(a)) is amended by striking out "post baccalaureate" and inserting in lieu thereof "postbaccalaureate".

(b) Table of Contents.—The item relating to section 5323 in the table of contents contained in section 1(b) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 139) is amended to read as follows:

"Sec. 5323. Fellowships for Indian Students.".

SEC. 20. GIFTED AND TALENTED.

(a) Demonstration Projects.—Section 5324(b)(3)(C) of the Indian Education Act of 1988 (25 U.S.C. 2624(b)(3)(C)) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(b) Additional Grants.—Section 5324(c) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)) is amended—

(1) in paragraph (4)(B), by striking out "1128(c)(1)(A)(ii)" and inserting in lieu thereof "1128(c)(4)(A)(i)"; and

(2) in paragraph (7)(A), by striking out "evaluator" and inserting in lieu thereof "demonstration project recipients under subsection (b)".

SEC. 21. OFFICE OF INDIAN EDUCATION.

Section 5341(b)(2)(D) of the Indian Education Act of 1988 (25 U.S.C. 2641(b)(2)(D)) is amended by striking out "Alaskan" and inserting in lieu thereof "Alaska".

SEC. 22. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

Section 5342(a)(1)(A) of the Indian Education Act of 1988 (25 U.S.C. 2642(a)(1)(A)) is amended by striking out "Indians" and inserting in lieu thereof "Indians,".

SEC. 23. DEFINITIONS.

Section 5351 of the Indian Education Act of 1988 (25 U.S.C. 2651) is amended—

(1) by amending paragraph (4)(A) to read as follows:

"(A) a member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,";

(2) in paragraph (5)(A)—

(A) by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (B), the";

(B) by striking out "section 198(a)(10)" and inserting in lieu thereof "section 1471(12)"; and

(C) by striking out "(20 U.S.C. 2854(a)(10))" and inserting in lieu thereof "(20 U.S.C. 2891(12)"; and

(3) in paragraph 5(B)—

(A) by striking out "The term" and all that follows through "includes—" and inserting in lieu thereof the following: "For purposes of the formula grant of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)), the term 'local educational agency' includes—"; and

(B) by striking out "education" in clause (ii) and inserting in lieu thereof "educational".

SEC. 24. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

Section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808) is amended by adding at the end thereof the following:

"(c) Nothing in this section shall be construed as interfering with, or suspending the obligation of the Bureau for, the implementation of all legislative provisions enacted prior to April 28, 1988, specifically including those of Public Law 98-192.".

SEC. 25. USE OF BUREAU FACILITIES.

(a) In General.—Section 5405(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 17(a)) is amended to read as follows:

Public lands.
Public buildings and grounds.

"(a) In General.—The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.".

Utilities.

(b) Section 5405 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of

1988 (25 U.S.C. 17) is further amended by adding at the end thereof the following new subsection:

Contracts.

"(c) The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.".

SEC. 26. WHITE HOUSE CONFERENCE ON INDIAN EDUCATION.

(a) Composition.—Section 5503(a)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by inserting "(including members of local school boards of schools funded by the Bureau of Indian Affairs)" after "Indian educational institutions".

(b) Advisory Committee.—Section 5506(d) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "traveltime" and inserting in lieu thereof "travel time".

(c) Gifts.—Section 5507(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "Force," and inserting in lieu thereof "Force".

SEC. 27. REPEAL OF ANNUAL REPORT ON EDUCATION OF INDIAN CHILDREN.

Section 6210 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2016a) is repealed.

Approved September 9, 1988.

LEGISLATIVE HISTORY—H.R. 5174:

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